



भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

साप्ताहिक
WEEKLY

सं. 13]
No. 13]

नई दिल्ली, मार्च 22-मार्च 28, 2009, शनिवार/चैत्र 1-चैत्र 7, 1931
NEW DELHI, MARCH 22-MARCH 28, 2009, SATURDAY/CHAITRA 1-CHAITRA 7, 1931

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएँ
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

वित्त मंत्रालय

(वित्तीय सेवाएँ विभाग)

नई दिल्ली, 20 फरवरी, 2009

MINISTRY OF FINANCE

(Department of Financial Services)

New Delhi, the 20th February, 2009

का.आ. 736.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खण्ड 3 के उपखंड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा 3(ज) और (3-क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री के. बी. आर. नायडु को उनकी नियुक्ति की अधिसूचना की तारीख से तीन वर्षों के लिए अथवा अगला आदेश होने तक, जो भी पहले हो, ओरियंटल बैंक ऑफ़ कामर्स के निदेशक मंडल में अंशकालिक गैर सरकारी निदेशक के रूप में नियुक्त करती है।

[फा. सं. 9/19/2007-बी ओ-1]
जी. बी. सिंह, उप सचिव

S.O. 736.—In exercise of the powers conferred by sub-section 3(h) and (3-A) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980 read with sub-clause (1) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government hereby nominates Shri K.B.R. Naidu as part-time non-official Director on the Board of Directors of Oriental Bank of Commerce, for a period of three years from the date of notification of his appointment or until further orders, whichever is earlier.

[F. No. 9/19/2007-BO-I]
G. B. SINGH, Dy. Secy.

नई दिल्ली, 20 फरवरी, 2009

का.आ. 737.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खण्ड 3 के उपखंड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा 3(ज) और (3-क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री पंकज गोपालजी ठाकर को उनकी नियुक्ति की अधिसूचना की तारीख से तीन वर्षों के लिए अथवा अगले आदेश होने तक, जो भी पहले हो, केनरा बैंक के निदेशक मंडल में अंशकालिक गैर सरकारी निदेशक के रूप में नियुक्त करती है।

[फा. सं. 9/21/2008-बी ओ-1]

जी. बी. सिंह, उप सचिव

New Delhi, the 20th February, 2009

S.O. 737.—In exercise of the powers conferred by sub-section 3(h) and (3-A) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980 read with sub-clause (1) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government hereby nominates Shri Pankaj Gopalji Thacker as part-time non-official Director on the Board of Directors of Canara Bank, for a period of three years from the date of notification of his appointment or until further orders, whichever is earlier.

[F. No. 9/21/2008-BO-I]

G. B. SINGH, Dy. Secy.

नई दिल्ली, 20 फरवरी, 2009

का.आ. 738.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खण्ड 3 के उपखंड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा 3(ज) और (3-क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री एस. शम्बीर पासा को उनकी नियुक्ति की अधिसूचना की तारीख से तीन वर्षों के लिए अथवा अगले आदेश होने तक, जो भी पहले हो, केनरा बैंक के निदेशक मंडल में अंशकालिक गैर सरकारी निदेशक के रूप में नियुक्त करती है।

[फा. सं. 9/21/2008-बी ओ-1]

जी. बी. सिंह, उप सचिव

New Delhi, the 20th February, 2009

S.O. 738.—In exercise of the powers conferred by sub-section 3(h) and (3-A) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980 read with sub-clause (1) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government

hereby nominates Shri S. Shabbeer Pasha as part-time non-official Director on the Board of Directors of Canara Bank, for a period of three years from the date of notification of his appointment or until further orders, whichever is earlier.

[F. No. 9/21/2008-BO-I]

G. B. SINGH, Dy. Secy.

नई दिल्ली, 20 मार्च, 2009

का.आ. 739.—रुग्ण औद्योगिक कंपनी (विशेष उपबंध) अधिनियम, 1985 की धारा 6 की उप-धारा (2) के साथ पठित धारा 5 की उप धारा (1) एवं (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री अमय कुमार गोहिल, सेवानिवृत्त न्यायाधीश, मध्य प्रदेश उच्च न्यायालय को उनके पदभार ग्रहण करने की तारीख से, उनके 65 वर्ष की आयु प्राप्त कर लेने तक अथवा औद्योगिक और वित्तीय पुनर्निर्माण अपीलीय प्राधिकरण (एआईएफआर) के उत्पन्न तक अथवा जो भी पहले हो, एआईएफआर के अध्यक्ष के रूप में नियुक्त करती है।

[फा. सं. 20(2)/2002-आईएफ-II]

जे. एस. फौगाट, अवर सचिव

New Delhi, the 20th March, 2009

S.O. 739.—In exercise of the powers conferred by sub-section (1) and (2) of Section 5 read with sub-section (2) of Section 6 of the Sick Industrial Companies (Special Provisions) Act, 1985 the Central Government hereby appoints Shri Abhey Kumar Gehil, Retd. Judge, Madhya Pradesh High Court, as Chairman, Appellate Authority for Industrial and Financial Reconstruction (AAIFR) with effect from the date of assumption of the charge of the post, for a period till he attains the age of 65 years or till the abolition of AAIFR, whichever event takes place the earlier.

[F. No. 20(2)/2002-IF-II]

J. S. PHAUGAT, Under Secy.

(सतर्कता अनुभाग)

शुद्धि-पत्र

नई दिल्ली, 16 मार्च, 2009

का.आ. 740.—भारत के राजपत्र के, भाग II, खंड 3, उप-खंड (ii) में 9-15 नवम्बर, 2008 को प्रकाशित वित्त मंत्रालय, वित्तीय सेवाई विभाग की संचारण अधिसूचना सं. का.आ. 3042 दिनांक 7 नवम्बर, 2008 में आंशिक संशोधन करते हुए, पंक्ति आठ और नौ में आने वाले शब्दों "39,200—67,000 रुपए (वेतन बैंड-4) + 10,000 रुपए ग्रेड वेतन के संशोधित वेतनमान में" को "37,400—67,000 रुपए (वेतन बैंड-4) + 12,000 रुपए ग्रेड वेतन के संशोधित वेतनमान में" के रूप में पढ़ा जाए।

[फा. सं. 22/4/2003-सतर्कता (खंड-II)]

जे. एस. फौगाट, अवर सचिव

(VIGILANCE SECTION)

CORRIGENDUM

New Delhi, the 16th March, 2009

S.O. 740.—In partial modification of Ministry of Finance, Department of Financial Services' Notification No. S.O. (E) 3042 dated 7th November, 2008 published in the Gazette of India, Part-II, Section-3, sub-section (ii) dated November 9 to 15, 2008, the words appearing in line eight (8) and nine (9), "in the revised scale of pay of Rs. 39,200—67,000 (PB-4) plus Grade Pay of Rs. 10,000" may be read as "in the revised scale of pay of Rs. 37,400—67,000 (PB-4) plus Grade Pay of Rs. 12,000/-".

{F. No. 22/4/2003-Vig. (Vol-II)}

J. S. PHAUGAT, Under Secy.

कार्यालय मुख्य आयकर आयुक्त

उदयपुर, 29 जनवरी, 2009

सं. 09/2008-09

(आयकर)

खण्ड 741.—आयकर अधिनियम, 1961 (1961 का 43वाँ) की धारा 10 के खण्ड (23 ग) की उप-धारा (IV) के साथ पठित आयकर नियमावली, 1962 के नियम 2 ग द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मुख्य आयकर आयुक्त, उदयपुर एतद्वारा "तिलोनिया शोध एवं विकास संस्थान, किशनगर (राजस्थान)" को उक्त उप-धारा के प्रयोजनार्थ निर्धारण वर्ष 2007-08 तथा आगे निम्नलिखित शर्तों के अधीन अनुमोदित करते हैं :-

- (i) निर्धारित उसकी आय का प्रयोग अथवा उसकी आय का प्रयोग करने के लिए उसका संवयन पूर्णतः तथा अनन्यतः उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) निर्धारित उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में यह विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (आभूषण, फर्नीचर इत्यादि के रूप में प्राप्त तथा स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा इसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के सम्बन्ध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाष हो, जब तक ऐसा कारोबार उक्त निर्धारित के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के सम्बन्ध में अलग से लेखा पुस्तिकाएँ नहीं रखी जाती हों;

(iv) निर्धारित आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विकरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;

(v) विघटन की स्थिति में इसकी अतिरिक्त राशियाँ और परिसंपत्तियाँ समान उद्देश्य वाले धर्मार्थ संगठन को दे दी जाएगी;

यह अधिसूचना निर्धारित की ओर से केवल आय के प्राधिकर्ता पर लागू होगी और न कि ऐसे प्राधिकर्ता की अन्य आय अथवा प्राप्ति पर। आयकर अधिनियम, 1961 के प्रावधानों के अनुसार कर योग्य आय अथवा, अन्यथा निर्धारित की आय पर अलग से विचार किया जाएगा।

{क्रमांक-मु.आ.आ./उदयपुर/आ.अ.(तक.)/2008-09/3122}

मुकेश पान्ती, मुख्य आयकर आयुक्त

OFFICE OF THE CHIEF COMMISSIONER OF
INCOME-TAX

Udaipur, the 29th January, 2009

No. 09/2008-09

(INCOME-TAX)

S.O. 741.—In exercise of the powers conferred by sub-Section (IV) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961) read with rule 2C of the Income Tax Rules, 1962, I, the Chief Commissioner of Income Tax, Udaipur hereby notify the "Tilonia Shodh Evam - Vikas Sansthan, Kishangarh (Rajasthan)" for the purpose of the said Sub-clause for the assessment years 2007-08 and onwards subject to the following conditions namely :—

- (i) The assessee will apply its income, or accumulate for application wholly and exclusively to the objects for which it is established;
- (ii) The assessee will not invest or deposit its funds (other than voluntary contribution received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) This notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;

(iv) The assessee will regularly file its return of income before the income-tax authority in accordance with the provisions of Income-tax Act, 1961;

(v) That in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives;

This notification is applicable only to the recipients of income on behalf of the assessee and not to any other receipt or income of such recipients. Taxability or, otherwise of the income of the assessee would be separately considered as per the provisions of Income Tax Act, 1961.

[No. CCIT/UDR/ITO (Tech.)/2008-09/3122]

MUKESH BHANTI, Chief Commissioner of Income-tax
(Department of Revenue)

(OFFICE OF THE CHIEF COMMISSIONER OF
INCOME TAX, GUWAHATI)

CORRIGENDUM

Guwahati, the 5th March, 2009

S.O. 742.—With reference to this office order dated 13th March, 2008 communicated under this office Memo No. A-9/Part-15/CCIT/Ghy/Tech/2004-05/25150-51 dated 23-02-2009 regarding approval under Sub-Clause (via) of Clause (23C) of Section 10 of the Income Tax Act, 1961, it may be read as the "Approval under Sub-Clause (iv) of Clause (23C) of Section 10 of the Income Tax Act, 1961" in the case of "K. P. Bethesda Health Society" (PAN No. AABTK 0834B), P. R. Hill, Kohima, Nagaland for the asstt. years 2007-08, 2008-09 and 2009-10.

Other parts of the order shall remain unchanged.

[No. A-9/Part-15/CCIT/GHY/Tech/2004-05/25612-13]

I. JAMIR, Jt. Commissioner of Income-tax (Tech),
For Chief Commissioner of Income-tax

कार्यालय मुख्य आयकर आयुक्त

जयपुर, 18 मार्च, 2009

सं. 19/2008-09

का.आ. 743.—आयकर अधिनियम, 1962 के नियम 2 सी ए के साथ पठनीय आयकर अधिनियम, 1961 (1961 का 43वां) की धारा 10 के खण्ड (23सी) की उप-धारा (vi) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मुख्य आयकर आयुक्त, जयपुर एतद्वारा निधिरण वर्ष 2005-06 एवं आगे के लिए कथित धारा के उद्देश्य से "संजय शिक्षा समिति, जयपुर" को स्वीकृति देते हैं।

बशर्ते कि समिति आयकर नियम 1962 के नियम 2 सी ए के साथ पठनीय आयकर अधिनियम, 1961 की धारा 10 के

उप-खण्ड (23सी) की उप-धारा (vi) के प्रावधानों के अनुरूप कार्य करे।

[क्रमांक : मुआआ/अआआ/(मु.)/जय/
10(23सी)/(vi)/08-09/4339]

बो. एस. हिल्लों, मुख्य आयकर आयुक्त

OFFICE OF THE CHIEF COMMISSIONER OF
INCOME-TAX

Jaipur, the 18th March, 2009

No. 19/2008-09

S.O. 743.—In exercise of the powers conferred by sub-clause (vi) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961) read with Rule 2CA of the Income Tax Rules, 1962, the Chief Commissioner of Income Tax, Jaipur hereby approve "Sanjay Shiksha Samiti, Jaipur" for the purpose of said Section for the A. Y. 2005-06 and onwards.

Provided that the society conforms to and complies with the provisions of sub-clause (vi) of clause (23C) of Section 10 of the Income-tax Act, 1961 read with rule 2CA of the Income-tax rules, 1962.

[No. CCIT/JPR/Addl. CIT(Hqrs.)/10(23C)(vi)/2008-09/4339]

B. S. DHILLON, Chief Commissioner of Income-tax

(केन्द्रीय प्रत्यक्ष कर बोर्ड)

नई दिल्ली, 13 मार्च, 2009

का.आ. 744.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में राजस्व विभाग के निम्नलिखित कार्यालय, जिसके 80% से अधिक कर्मचारियों ने हिन्दी का कार्य साधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है :-

उप आयकर आयुक्त का कार्यालय, एम बी-210, शादी पुर,
अंडमान निकोबार द्वीप समूह,
पोर्ट ब्लेयर-744102।

[फा. सं. ए-11017/2/2009-हिन्दी-3]

मधु शर्मा, निदेशक (राजभाषा)

(CENTRAL BOARD OF DIRECT TAXES)

New Delhi, the 13th March, 2009

S.O. 744.—In pursuance of Sub-rule (4) of Rule 10 of the Official Language (use for official purposes of the Union) Rules, 1976 the Central Government hereby notifies the following office of the Department of Revenue, whereof more than 80% of the staff have acquired the working knowledge of Hindi :

Office of the Deputy Commissioner of Income Tax,
MB-210, Shadipur,
Andman Nicobar Islands,
Port Blair-744102.

[F. No. A-11017/2/2009-Hindi-III]

MADHU SHARMA, Director (OL)

नई दिल्ली, 16 मार्च, 2009

सं. 27/2009

का.आ. 745.—सर्वसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा आयकर नियमावली, 1962 (उक्त नियमावली) के नियम 5ग और 5ड के साथ पठित आयकर अधिनियम, 1961 (उक्त अधिनियम) की धारा 35 की उप-धारा (1) के खण्ड (ii) के प्रयोजनार्थ दिनांक 1-4-2009 से संगठन बारासात कैंसर रिसर्च एण्ड वेलफेयर सेन्टर, कोलकाता को निम्नलिखित शर्तों के अधीन आंशिक रूप से अनुसंधान कार्यकलापों में संलग्न 'अन्य संस्था' की श्रेणी में अनुमोदित किया गया है, नामतः :—

- (i) अनुमोदित संगठन को पदत राशि का उपयोग वैज्ञानिक अनुसंधान के लिए किया जाएगा;
- (ii) अनुमोदित संगठन अपने संकाय सदस्यों अथवा इसके नामांकित छात्रों के माध्यम से वैज्ञानिक अनुसंधान करेगा;
- (iii) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए इसके द्वारा प्राप्त राशि के संबंध में अलग खाता बही रखेगा जिसमें अनुसंधान करने के लिए प्रयुक्त राशि दर्शाई गई हो, उक्त अधिनियम की धारा 288 की उप धारा (2) के स्पष्टीकरण में यथा परिभाषित किसी लेखाकार से ऐसी खाता-बही की लेखा परीक्षा कराएगा और उक्त अधिनियम की धारा 139 की उप-धारा (1) के अंतर्गत आय की विवरणी प्रस्तुत करने की नियत तिथि तक ऐसे लेखाकार द्वारा विधिवत सत्यापित एवं हस्ताक्षरित लेखा परीक्षा रिपोर्ट मामले में क्षेत्राधिकार रखने वाले आयकर आयुक्त अथवा आयकर निदेशक को प्रस्तुत करेगा।
- (iv) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए प्राप्त दान तथा प्रयुक्त राशि का अलग विवरण रखेगा और उपर्युक्त लेखा परीक्षा रिपोर्ट के साथ लेखा परीक्षक द्वारा विधिवत सत्यापित विवरण की प्रति प्रस्तुत करेगा।

2. केन्द्र सरकार यह अनुमोदन वापिस ले लेगी यदि अनुमोदित संगठन :—

- (क) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित अलग लेखा बही नहीं रखेगा; अथवा
- (ख) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित अपनी लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करेगा; अथवा
- (ग) पैराग्राफ 1 के उप-पैराग्राफ (iv) में उल्लिखित वैज्ञानिक अनुसंधान के लिए प्राप्त दान एवं प्रयुक्त राशि का अपना विवरण प्रस्तुत नहीं करेगा; अथवा
- (घ) अपना अनुसंधान कार्यकलाप करना बंद कर देगा अथवा इसके अनुसंधान कार्यकलाप को जायज नहीं पाया जाएगा; अथवा
- (ङ) उक्त नियमावली के नियम 5ग और 5ड के साथ पठित उक्त अधिनियम की धारा 35 की उप-धारा (1) के खंड (ii) के उपबंधों के अनुरूप नहीं होगा तथा उनका पालन नहीं करेगा।

[फा. सं. 203/97/2008/आ.क.नि.-II]

पदम सिंह, अवर सचिव

New Delhi, the 16th March, 2009

No. 27/2009

S.O. 745.—It is hereby notified for general information that the organization Barasat Cancer Research and Welfare Centre, Kolkata has been approved by the Central Government for the purpose of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 (said Act), read with Rules 5C and 5E of the Income-tax Rules, 1962 (said Rules) with effect from 1-4-2009 in the category of 'other Institution' partly engaged in research activities subject to the following conditions, namely :—

- (i) The sums paid to the approved organization shall be utilized for scientific research;
- (ii) The approved organization shall carry out scientific research through its faculty members or its enrolled students;
- (iii) The approved organization shall maintain separate books of accounts in respect of the sums received by it for scientific research, reflect therein the amounts used for carrying out research, get such books audited by an accountant as defined in the explanation to sub-section (2) of Section 288 of the said Act and furnish the report of such audit duly signed and verified by such accountant to the Commissioner of Income-tax or the Director of Income-tax having jurisdiction over the case, by the due date of furnishing the return of income under sub-section (1) of Section 139 of the said Act;
- (iv) The approved organization shall maintain a separate statement of donations received and amounts applied for scientific research and a copy of such statement duly certified by the auditor shall accompany the report of audit referred to above.

2. The Central Government shall withdraw the approval if the approved organization :—

- (a) fails to maintain separate books of accounts referred to in sub-paragraph (iii) of paragraph 1; or
- (b) fails to furnish its audit report referred to in sub-paragraph (iii) of paragraph 1; or
- (c) fails to furnish its statement of the donations received and sums applied for scientific research referred to in sub-paragraph (iv) of paragraph 1; or
- (d) ceases to carry on its research activities or its research activities are not found to be genuine; or
- (e) ceases to conform to and comply with the provisions of clause (ii) of sub-section (1) of Section 35 of the said Act, read with Rules 5C and 5E of the Rules.

[F.No. 203/97/2008/TTA-II]

PADAM SINGH, Under Secy.

नई दिल्ली, 18 मार्च, 2009

क्र.आ. 746.—सर्वसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा आयकर नियमवली, 1962 (उक्त नियमवली) के नियम 5ग और 5इ के साथ पठित आयकर अधिनियम, 1961 (उक्त अधिनियम) की धारा 35 की उप-धारा (1) के खण्ड (ii) के प्रवर्धनार्थ विनंति 1-4-2008 से संगठन उपसी टी रिसर्च फाउंडेशन, कोयूर, तमिलनाडु को निम्नलिखित शर्तों के अधीन आंशिक रूप से अनुसंधान कार्यकलापों में संलग्न 'अन्य संस्था' की श्रेणी में अनुमोदित किया गया है, नामतः :—

- (i) अनुमोदित संगठन को प्रदत्त राशि का उपयोग वैज्ञानिक अनुसंधान के लिए किया जाएगा;
- (ii) अनुमोदित संगठन अपने संकल्प सदस्यों अथवा इसके नामित छात्रों के माध्यम से वैज्ञानिक अनुसंधान करेगा;
- (iii) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए इसके द्वारा प्राप्त राशि के संबंध में अलग खाता बही रखेगा जिसमें अनुसंधान करने के लिए प्रयुक्त राशि दर्शाई गई हो, उक्त अधिनियम की धारा 288 की उप-धारा (2) के स्पष्टीकरण में वर्णित परिभाषित किसी लेखाकार से ऐसी खाता-बही की लेखा परीक्षा कराएगा और उक्त अधिनियम की धारा 139 की उप-धारा (1) के अंतर्गत आय की विवरणी प्रस्तुत करने की नियत तिथि तक ऐसे लेखाकार द्वारा विधिवत सत्यापित एवं हस्ताक्षरित लेखा परीक्षा रिपोर्ट मामले में क्षेत्राधिकार रखने वाले आयकर आबुक्त अथवा आयकर निदेशक को प्रस्तुत करेगा;
- (iv) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए प्राप्त दान तथा प्रयुक्त राशि का अलग विवरण रखेगा और उपर्युक्त लेखा परीक्षा रिपोर्ट के साथ लेखा परीक्षक द्वारा विधिवत सत्यापित विवरण की प्रति प्रस्तुत करेगा।

2. केन्द्र सरकार यह अनुमोदन वापस ले लेगी यदि अनुमोदित संगठन :—

- (क) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित अलग लेखा बही नहीं रखेगा; अथवा
- (ख) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित अपनी लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करेगा; अथवा
- (ग) पैराग्राफ 1 के उप-पैराग्राफ (iv) में उल्लिखित वैज्ञानिक अनुसंधान के लिए प्राप्त दान एवं प्रयुक्त राशि का अपना विवरण प्रस्तुत नहीं करेगा; अथवा
- (घ) अपना अनुसंधान कार्यकलाप करना बंद कर देगा अथवा इसके अनुसंधान कार्यकलाप को जायज नहीं पाया जाएगा; अथवा

(इ) उक्त नियमवली के नियम 5ग और 5इ के साथ पठित उक्त अधिनियम की धारा 35 की उप-धारा (1) के खण्ड (ii) के उपबंधों के अनुषंग नहीं होना तथा उनका पालन नहीं करेगा।

[फा. सं. 203/111/2007-आ.क.नि.-II]

यदम सिंह, अवर सचिव

New Delhi, the 18th March, 2009

S.O. 746.—It is hereby notified for general information that the organization Upasi Tea Research Foundation, Coonoor, Tamil Nadu has been approved by the Central Government for the purpose of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 (said Act), read with Rules 5C and 5D of the Income-tax Rules, 1962 (said Rules), with effect from 1-4-2008 in the category of 'other Institution', partly engaged in research activities subject to the following conditions, namely :—

- (i) The sums paid to the approved organization shall be utilized for scientific research;
- (ii) The approved organization shall carry out scientific research through its faculty members or its enrolled students;
- (iii) The approved organization shall maintain separate books of accounts in respect of the sums received by it for scientific research, reflect therein the amounts used for carrying out research, get such books audited by an accountant as defined in the explanation to sub-section (2) of Section 288 of the said Act and furnish the report of such audit duly signed and verified by such accountant to the Commissioner of Income-tax or the Director of Income-tax having jurisdiction over the case, by the due date of furnishing the return of income under Sub-section (1) of Section 139 of the said Act;
- (iv) The approved organization shall maintain a separate statement of donations received and amounts applied for scientific research and a copy of such statement duly certified by the auditor shall accompany the report of audit referred to above.

2. The Central Government shall withdraw the approval if the approved organization :—

- (a) fails to maintain separate books of accounts referred to in sub-paragraph (iii) of paragraph 1; or

- (b) fails to furnish its audit report referred to in sub-paragraph (iii) of paragraph 1; or
- (c) fails to furnish its statement of the donations received and sums applied for scientific research referred to in sub-paragraph (iv) of paragraph 1; or
- (d) ceases to carry on its research activities or its research activities are not found to be genuine; or
- (e) ceases to conform to and comply with the provisions of clause (ii) of sub-section (1) of Section 35 of the said Act read with rules 5C and 5E of the said Rules.

[F. N. 203/111/2007-ITA-II]

PADAM SINGH, Under Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय
(स्वास्थ्य और परिवार कल्याण विभाग)

नई दिल्ली, 6 मार्च, 2009

क्र.आ. 747.—केन्द्रीय सरकार भारतीय आयुर्विज्ञान से परामर्श करने के पश्चात्, भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 11 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम की प्रथम अनुसूची में एतद्वारा निम्नलिखित और संशोधन करती है, अर्थात्:—

उक्त प्रथम अनुसूची में "राजीव गांधी स्वास्थ्य विज्ञान विश्वविद्यालय, बंगलुरु" के सामने शीर्षक 'मान्यताप्राप्त आयुर्विज्ञान अर्हता' [स्तंभ (2) में] के अंतर्गत एवं शीर्षक "पंजीकरण के लिए संक्षेपण" [स्तंभ (3) में] के अंतर्गत निम्नलिखित को अन्तः स्थापित किया जाएगा, अर्थात्:—

(2)	(3)
आयुर्विज्ञान एवं शल्य विज्ञान स्नातक	एम.बी.बी.एस. (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह राजीव गांधी स्वास्थ्य विज्ञान विश्वविद्यालय, बंगलुरु, कर्नाटक द्वारा डा. एस. निजलिंगप्पा चिकित्सा महाविद्यालय एवं अस्पताल, बागलकोट, कर्नाटक के छात्रों के संबंध में फरवरी, 2007 के बाद प्रदान की गई हो)

[सं. यू-12012/72/1999-एम ई(पी-II)]

एन. बारिक, अवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health and Family Welfare)

New Delhi, the 6th March, 2009

S.O. 747.—In exercise of the powers conferred by sub-section (2) of the Section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendments in the First Schedule to the said Act, namely:—

In the said First Schedule after "Rajiv Gandhi University of Health Sciences, Bangalore" under the heading 'Recognized Medical Qualification' [in column (2)] and under the heading 'Abbreviation for Registration' [in column (3)], the following shall be inserted, namely:—

(2)	(3)
Bachelor of Medicine and Bachelor of Surgery	M.B.B.S. (This shall be a recognized medical qualification when granted by Rajiv Gandhi University of Health Sciences, Bangalore, Karnataka after Feb. 2007 in respect of students of Dr. S. Nijalingappa Medical College & Hospital, Bagalkot, Karnataka)

[No. U.12012/72/1999-ME(P-II)]

N. BARIK, Under Secy.

स्वास्थ्य विभाग

नई दिल्ली, 13 मार्च, 2009

क्र. आ. 748.—केन्द्रीय सरकार भारतीय दंत चिकित्सा परिषद् से परामर्श करने के बाद दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा उक्त अधिनियम की अनुसूची के भाग-1 में निम्नलिखित में संशोधन करती है; अर्थात्:

2. दंत चिकित्सक अधिनियम, 1948 की अनुसूची के भाग-1 में क्रम संख्या 95 के बाद निम्नलिखित क्रम संख्या एवं प्रविष्टियां रखा जाएंगी, अर्थात्:—

76. कन्नूर विश्वविद्यालय, कन्नूर	II. सेंचुरी इंस्टीट्यूशनल इंस्टीच्यूट आफ डेंटल साइंसिज एंड रिसर्च सेंटर, कालीकट, केरल	बीडीएस, कन्नूर विश्व विद्यालय, कन्नूर
	(i) दंत शल्य चिकित्सा (जब 11-4-2008 को या इसके बाद प्रदान की गई हो)	

[सं. बी-42017/57/2002-डी ई]

राज सिंह, अवर सचिव

Department of Health

New Delhi, the 13 March, 2009

S. O. 748.—In exercise of the powers conferred by sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely:—

2. In part-I of the Schedule to the Dentists Act, 1948, after serial No. 75, the following serial number and entries shall be inserted, namely:—

"76. Kannur University, Kannur.	II. Century International Institute of Dental Sciences & Research Centre, Calicut, Kerala
	(i) Bachelor of Dental Surgery (When granted on or after 11-4-2008)
	BDS, Kannur University, Kannur

[No. V-12017/57/2002-DE]
RAJ SINGH, Under Secy.

नई दिल्ली, 20 मार्च, 2009

का. आ. 749.—केन्द्र सरकार ने भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 3 की उप-धारा (1) के अनुसरण में और हिमाचल प्रदेश सरकार से पसमर्त करने के बाद डॉ. (श्रीमती) जयश्री शर्मा, निदेशक चिकित्सा शिक्षा एवं अनुसंधान, हिमाचल प्रदेश, शिमला को इस अधिसूचना के जारी होने की तारीख से 5-12-2009 तक के लिए भारतीय आयुर्विज्ञान परिषद् के सदस्य के रूप में मनोनीत किया है।

अतः, अब, उक्त अधिसूचना की धारा 3 की उप-धारा (1) के उपबंध के अनुसरण में केन्द्र सरकार एतद्वारा भारत सरकार के तत्कालीन स्वास्थ्य मंत्रालय की दिनांक 9 जनवरी, 1960 की अधिसूचना संख्या का.आ. 138 में निम्नलिखित और संशोधन करती है अर्थात्:—

उक्त अधिसूचना में शीर्षक "धारा 3 की उपधारा (1) के खंड (क) के अधीन मनोनीत" शीर्षक के अंतर्गत क्रम संख्या 21 और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित प्रविष्टियां प्रतिस्थापित की जाएंगी, अर्थात्:—

"21. डॉ. (श्रीमती), जयश्री शर्मा निदेशक चिकित्सा शिक्षा एवं अनुसंधान हिमाचल प्रदेश शिमला	हिमाचल प्रदेश सरकार"
--	----------------------

[सं. वी.-11013/1/2009-एम ई (नीति-I)]

के.वी.एस.राव, उप सचिव

New Delhi, the 20th March, 2009

S.O. 749.—Whereas the Central Government, in pursuance of clause (a) of sub-section (1) of Section 3 of the Indian Medical Council Act, 1956 (102 of 1956) and in consultation with the Government of Himachal Pradesh have nominated Dr (Smt.) Jaishree Sharma, Director, Medical Education and Research, Himachal Pradesh, Shimla to be a member of the Medical Council of India with effect from the date of issue of this notification upto 5-12-2009.

Now, therefore, in pursuance of the provision of sub section (1) of Section 3 of the said Act, the Central Government hereby makes the following further amendment in the Notification of the Government of India in the then Ministry of Health number S.O. 138 dated the 9th January, 1960, namely:—

In the said Notification, under the heading, "Nominated under clause (a) of sub section (1) of Section 3", for serial number 21 and the entries thereto, the following entries shall be substituted, namely:—

"21. Dr (Smt.) Jaishree Sharma Director Medical Education and Research Himachal Pradesh Shimla	Government of Himachal Pradesh"
--	---------------------------------------

[No. V.11013/1/2009-ME (P-I)]
K.V.S. RAO, Dy. Secy.

मानव संसाधन विकास मंत्रालय

(उच्चतर शिक्षा विभाग)

नई दिल्ली, 24, फरवरी, 2009

का.आ. 750.—केन्द्रीय सरकार, राजपत्र (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम 4 के अनुसरण में एतद्वारा मानव संसाधन विकास मंत्रालय के अधीन निम्नलिखित केन्द्रीय विद्यालयों को, जिनके 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है:—

1. केन्द्रीय विद्यालय, चितौड़गढ़
2. केन्द्रीय विद्यालय, दुमरापुर

[सं. 11011-1/2009-उ.भा.ए.]

अनिता भटनागर जैन, संयुक्त सचिव

MINISTRY OF HUMAN RESOURCE DEVELOPMENT
(Deptt. of Higher Education)

New Delhi, the 24 February, 2009

S.O. 750.—In pursuance of sub rule (4) of rule 10 of the Official Language (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies

the following Kendriya Vidyalayas under the Ministry of Human Resource Development, whose more than 80% members of the staff have acquired working knowledge of Hindi :—

1. Kendriya Vidyalaya, Chitoorgarh
2. Kendriya Vidyalaya, Dungarpur

[No.11011-1/2009-O.L.U.]

ANITA BHATNAGAR JAIN, Jt. Secy.

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

भारतीय मानक ब्यूरो

नई दिल्ली, 9 मार्च, 2009

का.आ. 751.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि अनुसूची में दिये गये मानक (कों) में संशोधन किया गया/किये गये हैं :

अनुसूची

क्र.सं.	संशोधित भारतीय मानक (कों) की संख्या, वर्ष और शीर्षक	संशोधन की संख्या और वर्ष	संशोधन लागू होने की तिथि
---------	---	--------------------------	--------------------------

(1)	(2)	(3)	(4)
1	आईएस 277:2003 जस्तीकृत इस्पात की चद्दरें (सादी तथा नालीदार)—विशिष्ट (छठा पुनरीक्षण)	संशोधन संख्या 3, फरवरी, 2009	4 मार्च, 2009

इन संशोधनों की प्रतियाँ भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों: अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : एमटीडी 4/टी-22]

डा. (श्रीमति) स्नेह भाटला, वैज्ञानिक एफ एवं प्रमुख (एमटीडी)

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Deptt. of Consumer Affairs)

BUREAU OF INDIAN STANDARDS

New Delhi, the 9th March, 2009

S.O. 751.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987,

the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No. of the amendment (s)	No. & year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)
1	IS 277:2003 Galvanized steel sheets (Plain and corrugated) — Specification (sixth revision)	Amendment No. 3, February, 2009

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: MTD 4/T-22]

Dr. (Smt.) SNEH BHATLA, Sc.—F and Head (MTD)

नई दिल्ली, 9 मार्च, 2009

का.आ. 752.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि अनुसूची में दिये गये मानक (कों) में संशोधन किया गया/किये गये हैं :

अनुसूची

क्र. सं.	संशोधित भारतीय मानक (कों) की संख्या, वर्ष और शीर्षक	संशोधन की संख्या और वर्ष	संशोधन लागू होने का तिथि
----------	---	--------------------------	--------------------------

(1)	(2)	(3)	(4)
1	आईएस 14650:1999 पुनर्वैलन के लिए कार्बन इस्पात दलवाँ बिलेट इंगट, बिलेट, ब्लूम और स्लेब—विशिष्ट	संशोधन संख्या 1, फरवरी, 2009	4 मार्च, 2009

इन संशोधनों की प्रतियाँ भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : एमटीडी 4/टी-204]

डा. (श्रीमति) स्नेह भाटला, वैज्ञानिक एफ एवं प्रमुख (एमटीडी)

New Delhi, the 9th March, 2009

S.O. 752.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No. & Year of the Indian Standard (s)	No. & year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)
1 IS 14650:1999 Carbon steel cast billet ingots, billets, blooms and slabs for rerolling purposes Specification	Amendment No.1, February, 2009	4 March, 2009

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: MTD 4/T-204]

Dr. (Smt.) SNEH BHATLA, Sc.—F and Head (MTD)

नई दिल्ली, 9 मार्च 2009

क्रा.आ. 753.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसार भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि अनुसूची में दिये गये मानक (कों) में संशोधन किया गया/किये गये है :

अनुसूची

क्रम संशोधित भारतीय मानक (कों) की संख्या, वर्ष और शीर्षक	संशोधन की संख्या और वर्ष	संशोधन लागू होने की तिथि
(1)	(2)	(3)
1. आईएस 3024:2006 विस्तारक कम विद्युत इस्पात की चपटें और पतियाँ विशिष्ट (दूसरा पुनरीक्षण)	संशोधन संख्या 4 मार्च, 2009 1, फरवरी, 2009	

इन संशोधनों की प्रतियाँ भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : एमटीडी 4/टी-69]

डा. (श्रीमति) स्नेह भाटला, वैज्ञानिक—एफ एवं प्रमुख (एमटीडी)

New Delhi, the 9th, March, 2009

S.O. 753.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No. & Year of the Indian Standard (s)	No. & year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)
1. IS 3024:2006 Grain oriented electrical steel sheet and strip (second revision)	Amendment No. 1, February, 2009	4 March 2009

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: MTD 4/T-69]

Dr. (Smt.) SNEH BHATLA, Sc.—F and Head (MTD)

नई दिल्ली, 13 मार्च, 2009

का.आ. 754.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि अनुसूची में दिये गये मानक (को) में संशोधन किया गया/किये गये हैं :

अनुसूची

क्रम संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)
1. आईएस 14887:2000	संशोधन संख्या 2 फरवरी, 2009	फरवरी, 2009

यह संशोधन प्रति भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों: अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयंबटूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में विक्री हेतु उपलब्ध हैं।

[संदर्भ : टी एक्स डी/जी-25]

पी. भटनगर, वैज्ञानिक ई एवं प्रमुख (टीएक्सडी)

New Delhi, the 13th March, 2009

S.O. 754.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the amendment to the Indian Standard, particulars of which is given in the Schedule hereto annexed has been issued :

SCHEDULE

Sl. No. & Year of the No. Indian Standards	No. & year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)
1 IS 14887:2000	Amendment No. 2	February, 2009

Copy of this Amendment is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: TXD/G-25]

[P. BHATNAGAR, Sc. 'E' & Head (Textiles)]

नई दिल्ली, 16 मार्च, 2009

का.आ. 755.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि अनुसूची में दिये गये मानक (को) में संशोधन किया गया/किये गये हैं :

अनुसूची

क्रम संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)
1 आईएस 15328:2003	5 फरवरी, 2009	12 मार्च, 2009

इन संशोधनों की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों: अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयंबटूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में विक्री हेतु उपलब्ध हैं।

[संदर्भ : सीईडी/राजपत्र]

ए. के. सैनी, वैज्ञानिक 'ए' एवं प्रमुख (सिविल इंजीनियरी)

New Delhi, the 16th March, 2009

S.O. 755.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the amendment to the Indian Standards, particulars of which is given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No. & Year of the No. the Indian Standards	No. & year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)
1 IS 15328:2003	5 February, 2009	12 March, 2009

Copy of this standards is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: CED/Gazette]

A. K. SAINI, Sc. 'F' & Head (Civil Engg.)

नई दिल्ली, 16 मार्च, 2009

का.आ. 756.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खण्ड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :-

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिरिक्त भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस/आईएसओ 7452 : 2002 तप्त बेहिलित संरचना इस्पात की प्लेटें—आयाम एवं आकार हेतु छूटें	—	31 मार्च, 2009

इस भारतीय मानक की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों: अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयंबटूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ: एमटीडी 4/टी-217]

डा. (श्रीमति) स्नेह भाटला, वैज्ञानिक 'एफ' एवं प्रमुख (एमटीडी)

New Delhi, the 16th March, 2009

S.O. 756.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :—

SCHEDULE

Sl. No.	No. & Year of the Indian Standards Established	No. & Year of the Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS/ISO 7452 : 2002 Hot-rolled structural steel plates—Tolerances on dimensions and shape	—	31 March, 2009

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: MTD 4/T-217]

Dr. (Mrs.) SNEH BHATLA, Scientist 'F' & Head (Met Engg.)

नई दिल्ली, 16 मार्च, 2009

का.आ. 757.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खण्ड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि अनुसूची में दिये गये मानक (कों) में संशोधन किया गया/किये गये हैं :-

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक (कों) की संख्या, वर्ष और शीर्षक	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आई एस 15391: 2003 अतप्त बेहिलित गैर-दिशात्मक विद्युत् इस्पात की चढ़ एवं पत्ती-अर्ध-प्रकृत प्ररूप-विशिष्ट	संशोधन संख्या 2, फरवरी, 2009	12 मार्च, 2009

इन संशोधनों, की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों: अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयंबटूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ: एमटीडी 4/टी-212]

डा. (श्रीमति) स्नेह भट्टला, वैज्ञानिक 'एफ' एवं प्रमुख (एमटीडी)

New Delhi, the 16th March, 2009

S.O. 757.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :—

SCHEDULE

Sl. No.	No. & Year of the Indian Standards (s) the amendment (s)	No. & year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1	IS15391: 2003 Cold-rolled non-oriented electrical steel sheet and strip—Semi—processed type—Specification	Amendment no. 2 February 2009	2009

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref.: MTD 4/T-212]

DR. (MRS.) SNEH BHATLA, Scientist 'F' & Head (Met Engg.)

कोयला मंत्रालय

नई दिल्ली, 18 मार्च, 2009

का.आ. 758.—केन्द्रीय सरकार को यह प्रतीत होता है कि, इससे उपाबद्ध अनुसूची में उल्लिखित भूमि में कोयला अधिप्राप्त किए जाने की संभावना है ;

अतः अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस क्षेत्र में कोयले का पूर्वक्षण करने के अपने आशय की सूचना देती है।

इस अधिसूचना के अंतर्गत आने वाले क्षेत्र के रेखांक सं. एसईसीएल/बीएसपी/जीएम (पीएलजी)/भूमि/328 तारीख 24 अक्टूबर, 2008 का निरीक्षण कलेक्टर, सरगुजा (छत्तीसगढ़) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाऊस स्ट्रीट, कोलकाता 700001 के कार्यालय में या साऊथ ईस्टर्न कोल्फील्ड्स लिमिटेड (राजस्व अनुभाग), सीपत रोड, बिलासपुर-495006 (छत्तीसगढ़) के कार्यालय में किया जा सकता है।

इस अधिसूचना के अंतर्गत आने वाली भूमि में हितबद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उप-धारा (7) में निर्दिष्ट सभी नक्शों, चार्टों और अन्य दस्तावेजों को इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर, भारसाधक अधिकारी या विभागाध्यक्ष (राजस्व) साऊथ ईस्टर्न कोल्फील्ड्स लिमिटेड, सीपत रोड, बिलासपुर-495006 (छत्तीसगढ़) को भेजेंगे।

अनुसूची

भटगांव ब्लॉक, भटगांव क्षेत्र

जिला-सरगुजा (छत्तीसगढ़)

रेखांक संख्या-एसईसीएल/बीएसपी/जीएम (पीएलजी)/भूमि/328, तारीख 24 अक्टूबर, 2008

क्रम संख्या	ग्राम	पटवारी हल्का नम्बर	ग्राम नम्बर	तहसील	जिला	क्षेत्र हेक्टर में	टिप्पणी
1.	दुग्गा	28	14	मैयाथान	सरगुजा	27.460	भाग
2.	बरोधी	28	16	मैयाथान	सरगुजा	70.390	भाग

कुल क्षेत्र :—97.850 हेक्टर (लगभग) या 241.790 एकड़ (लगभग)

सीमा वर्णन :-

- क-ख रेखा ग्राम दुग्गा में "क" बिन्दु से आरंभ होती है और ग्राम दुग्गा के पूर्वी भाग से होती हुई ग्राम दुग्गा-बरौधी के सम्मिलित सीमा में बिन्दु "ख" पर मिलती है।
- ख-ग रेखा ग्राम बरौधी के उत्तरी भाग से होती हुई "ग" बिन्दु पर मिलती है।
- ग-घ रेखा ग्राम बरौधी के पश्चिमी भाग से होती हुई उसी ग्राम में बिन्दु "घ" पर मिलती है।
- घ-क रेखा ग्राम बरौधी से होती हुई ग्राम दुग्गा में प्रवेश करती है और आरंभिक बिन्दु "क" पर मिलती है।

[फ.सं. 43015/30/2008-पीआरआईडब्ल्यू-1]

एम. शाहाबुद्दीन, अवर सचिव

MINISTRY OF COAL

New Delhi, the 18th March, 2009

S.O. 758.—Whereas it appears to the Central Government that Coal is likely to be obtained from the lands in the locality mentioned in the Schedule hereto annexed.

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 4 of the Coal-Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan bearing Number: SECL/BSP/GM(PLG)/LAND/328 dated 24th October, 2008 of the area covered by this notification can be inspected in the office of the Collector, Surguja (Chhattisgarh) or in the Office of the Coal Controller, 1, Council House Street, Kolkata - 700001 or in the Office of the South Eastern Coalfields Limited (Revenue Section), Seepat Road, Bilaspur - 495006 (Chhattisgarh).

All persons interested in the land covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of Section 13 of the said Act to the Officer-in-Charge or Head of the Department (Revenue), South Eastern Coalfields Limited, Seepat Road, Bilaspur - 495006 (Chhattisgarh), within ninety days from the date of publication of this notification in the Official Gazette.

SCHEDULE**Bhatgaon Block, Bhatgaon Area****District - Surguja (Chhattisgarh)**

Plan Number: SECL/BSP/GM(PLG)/LAND/328 dated 24th October, 2008

Sl. No.	Village	Patwari Halka number	Village number	Tahsil	District	Area in hectares	Remarks
1.	Dugga	28	14	Bhaiyathan	Surguja	27.460	Part
2.	Baroudhi	28	16	Bhaiyathan	Surguja	70.390	Part

Total: - 97.850 hectares (Approximately)

Or 241.79 acres (Approximately)

BOUNDARY DESCRIPTION :—

- A-B Line starts from point 'A' in the village Dugga and passes through eastern part of the village Dugga and meets at point 'B' on the common boundary of village Dugga - Baroudhi.
- B-C Line passes through northern part of village Baroudhi and meets at point 'C'.
- C-D Line passes through western part of village Baroudhi and meets at point 'D' in the same village.
- D-A Line passes through village Baroudhi then enter in village Dugga and meets at starting point 'A'.

[No. 43015/30/2008-PRIW-I]

M. SHAHABUDEEN, Under Secy.

नई दिल्ली, 18 मार्च, 2009

का.आ. 759.—केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उप-धारा (1) के अधीन भारत सरकार ने कोयला मंत्रालय के द्वारा जारी की गई अधिसूचना सं. कल आ. 1927 तारीख 28 जून, 2007 जो भारत सरकार के राजपत्र के भाग-II, खंड 3, उपखंड (ii), तारीख 7 जुलाई, 2007 में प्रकाशित की गई थी, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट परिक्षेत्र की भूमि में जिसका माप 86.871 हेक्टर (लगभग) या 214.66 एकड़ (लगभग) है, कोयले का पूर्वक्षण करने के अपने आशय की सूचना दी थी :

और केन्द्रीय सरकार का यह समाधान हो गया है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमि के प्राग में कोयला अभिप्राप्त है :

अतः केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 7 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए इससे संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमि के ऊपर या सभी अधिकारों में वर्णित 70.371 हेक्टर (लगभग) या 173.89 एकड़ (लगभग) माप की उस भूमि का अर्जन करने के अपने आशय की सूचना देती है;

टिप्पण 1 :- इस अधिसूचना के अधीन आने वाले क्षेत्र के रेखांक सं. एसईसीएल/बीएसपी/बीएम/पीआईजी/लैंड/332 तारीख 19 नवम्बर, 2008 का निरीक्षण कलेक्टर, जिला शहडोल (मध्य प्रदेश) के कार्यालय में या कोयला नियंत्रक, 1, कार्टसिल हाऊस स्ट्रीट, कोलकाता-70001 के कार्यालय में या साऊथ ईस्टर्न कोलफील्ड्स लिमिटेड (राजस्व अनुभाग), सीपत रोड, बिलासपुर-495001 (छत्तीसगढ़) के कार्यालय में किया जा सकता है।

टिप्पण 2 :—कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 की धारा 8 के उपबंधों की ओर ध्यान आकृष्ट किया जाता है, जिसमें निम्नलिखित उपबंध हैं :—

अर्जन के बाबत आपत्तियां :—

“8 (1) कोई व्यक्ति जो किसी भूमि में जिसकी बाबत धारा 7 के अधीन अधिसूचना निकाली गई है, हितबद्ध है, अधिसूचना के निकाले जाने से तीस दिन के भीतर सम्पूर्ण भूमि या उसके किसी भाग या ऐसी भूमि में या उस पर के किन्हीं अधिकारों का अर्जन किए जाने के बारे में आपत्ति कर सकेगा।

स्पष्टीकरण :—इस धारा के अंतर्गत यह आपत्ति नहीं मानी जाएगी कि कोई व्यक्ति किसी भूमि में कोयला उत्पादन के लिए स्वयं खनन सक्रियाएं करना चाहता है और ऐसी सक्रियाएं केन्द्रीय सरकार या किसी अन्य व्यक्ति को नहीं करनी चाहिए।

(2) उप-धारा (1) के अधीन प्रत्येक आपत्ति सक्षम अधिकारी को लिखित रूप में की जाएगी और सक्षम अधिकारी, आपत्तिकर्ता को स्वयं सुने जाने, विधि व्यवसायी द्वारा सुनवाई का अवसर देगा और ऐसी सभी आपत्तियों को सुनने के पश्चात् और ऐसी अतिरिक्त जांच, यदि कोई हो, करने के पश्चात्, जो वह आवश्यक समझता है, वह या तो धारा 7 की उप-धारा (1) के अधीन अधिसूचित भूमि का या ऐसी भूमि में या उस पर के अधिकारों के संबंध में विभिन्न रिपोर्टों या ऐसी भूमि के विभिन्न टुकड़े या ऐसी भूमि में या उस पर के अधिकारों के संबंध में आपत्तियों पर अपनी सिफारिशों और उसके द्वारा की गई कार्यवाही के अधिलेख सहित विभिन्न रिपोर्टें केन्द्रीय सरकार को उसके विनिश्चय के लिए देगा।

(3) इस धारा के प्रयोजनों के लिए वह व्यक्ति किसी भूमि में हितबद्ध सम्झा जाएगा जो प्रतिकर में हित का दावा करने का हकदार होगा, यदि भूमि या किसी ऐसी भूमि में या उस पर के अधिकार इस अधिनियम के अधीन अर्जित कर लिए गए थे।"

टिप्पण 3 :—केन्द्रीय सरकार ने कोयला नियंत्रक, 1, कार्जसिल हाउस स्ट्रीट, कोलकाता-700001 को उक्त अधिनियम की धारा 3 के अधीन अधिसूचना सं. का.आ. 905, तारीख 20 मार्च, 1987 द्वारा सक्षम प्राधिकारी नियुक्त किया है जो भारत के राजपत्र भाग-II, खण्ड-3, उप-खण्ड(ii) तारीख 4 अप्रैल, 1987 में प्रकाशित किया गया था।

अनसूची

धनपुरी ओपन कास्ट माईन विस्तार, सोहागपुर क्षेत्र
जिला-शहडोल, मध्य प्रदेश

(क) राज्यस्व भूमि :-

क्रम संख्या	ग्राम का नाम	पटवारी हल्का नम्बर	बंदोबस्त नम्बर	तहसील	जिला	क्षेत्र हेक्टर में	टिप्पण
1.	बेम्होरी	97	724	सोहागपुर	शहडोल	4.418	भाग
2.	सिलसरी	98	987	सोहागपुर	शहडोल	11.489	भाग

योग क्षेत्र :-15.907 हेक्टर (लगभग) या 39.31 एकड़ (लगभग)

(ख) वन भूमि :—

क्रम संख्या	कम्पार्टमेंट सं.	रैंज	डिवीजन	क्षेत्र हेक्टर में	टिप्पण
1.	74 IV	बुंदार	दक्षिण साबडोल	52.750	भाग
2.	77 XIX	बुंदार	दक्षिण साबडोल	1.714	भाग

योग क्षेत्र :—54.464 हेक्टर (लगभग) या 134.58 एकड़ (लगभग)
कुल योग क्षेत्र (क+ख) :—70.371 हेक्टर (लगभग) या 173.89 एकड़ (लगभग)

- ग्राम बेम्होरी (भाग) में अर्जित किए जाने वाले प्लॉट संख्या :—
36 (भाग), 38 (भाग), 39 से 41, 528 से 531, 538, 539 (भाग), 540 (भाग), 541 (भाग),
- ग्राम सिलपरी (भाग) में अर्जित किए जाने वाले प्लॉट संख्या :—
314 (भाग), 327 (भाग), 328 (भाग), 329 (भाग), 332 (भाग), 333 से 355, 356 (भाग), 357 (भाग), 359 (भाग), 360, 361 (भाग), 362, 363, 364 (भाग), 365 (भाग), 369 (भाग), 376 (भाग), 377

सीमा वर्णन :—

- क-ख रेखा ग्राम बेम्होरी के सीमा में बिन्दु "क" से आरंभ होती है और फारेस्ट कम्पार्टमेंट संख्या 74 IV एवं ग्राम बेम्होरी के प्लॉट संख्या 38 से गुजरती है फिर ग्राम सिलपरी के प्लॉट संख्या 314, 327, 329, 332, 356, 369 से गुजरती हुई बिन्दु "ख" पर मिलती है।
- ख-ग रेखा ग्राम सिलपरी के प्लॉट संख्या 369, 357, 359, 361, 365, 364, 376 और फारेस्ट कम्पार्टमेंट संख्या 77 XIX से गुजरती हुई और बिन्दु "ग" पर मिलती है।
- ग-घ रेखा फारेस्ट कम्पार्टमेंट संख्या 77 XIX और ग्राम सिलपरी के प्लॉट संख्या 314 से गुजरती है फिर फारेस्ट कम्पार्टमेंट संख्या 74 IV और ग्राम बेम्होरी के प्लॉट संख्या 538 के पूर्वी सीमा से होती हुई और बिन्दु "घ" पर मिलती है।
- घ-ङ रेखा ग्राम बेम्होरी के प्लॉट संख्या 538 के दक्षिणी सीमा और प्लॉट संख्या 539, 540 और 541 से गुजरती है फिर फारेस्ट कम्पार्टमेंट संख्या 74 IV दक्षिणी सीमा से होती हुई और बिन्दु "ङ" पर मिलती है।
- ङ-क रेखा फारेस्ट कम्पार्टमेंट संख्या 74 IV के दक्षिणी सीमा और ग्राम बेम्होरी के प्लॉट संख्या 36 फारेस्ट कम्पार्टमेंट संख्या 74 IV के दक्षिणी और पश्चिमी सीमा से होती हुई अंतिम बिन्दु "क" पर मिलती है।

[फा.सं. 43015/4/2007-पीआरआईडब्ल्यू-1]

एम. सहामुद्दीन, अधीन सचिव

New Delhi, the 18th March, 2009

S.O. 759.—Whereas, by the notification of the Government of India in the Ministry of Coal number S.O. 1927 dated 28th June, 2007 issued under sub-section (1) of Section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) and published in the Gazette of India, Part-II, Section 3, Sub-section (ii) dated the 7th July, 2007, the Central Government gave notice of its intention to prospect for coal in 86.871 hectares (approximately) or 214.66 acres (approximately) of the lands in the locality specified in the Schedule annexed to that notification;

And whereas, the Central Government is satisfied that coal is obtainable in a part of the said lands specified in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to acquire the land measuring 70.371 hectares (approximately) or 173.89 acres (approximately) as all rights in or over the said lands specified in the Schedule appended hereto.

Note 1:—The plan bearing number SECL/BSP/GM/PIG/LAND/332 dated the 19th November, 2008 of the area covered by this notification may be inspected at the office of the Collector, Shahdol, Madhya Pradesh or at the office of the Coal Controller, 1, Council House Street, Kolkata - 700001 or at the office of the South Eastern Coalfields Limited (Revenue Section), Seepat Road, Bilaspur - 495006, Chhattisgarh.

Note 2:—Attention is hereby invited to the provisions of Section 8 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 which provides as follows :—

“8(1) Any person interested in any land in respect of which a notification under Section 7 has been issued may, within thirty days of the issue of the notification, object to the acquisition of the whole or any part of the land or of any rights in or over such land.

Explanation :—It shall not be an objection within the meaning of this section for any person to say that he himself desires to undertake mining operation in the land for the production of coal and that such operation should not be undertaken by the Central Government or by any other person.

(2) Every objection under sub-section (1) shall be made to the competent authority in writing, and the competent authority shall give the objector an opportunity of being heard either in person or by a legal practitioner and shall, after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, either makes a report in respect of the land which has been notified under sub-section (1) of Section 7 or of rights in or over such land, or make different reports in respect of different parcels of such land or of rights in or over such land, to the Central Government, containing his recommendations on the objections, together with the record of the proceedings held by him, for the decision of that Government.

(3) For the purposes of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land or any rights in or over such land were acquired under this Act.”

Note 3 :—The Coal Controller, 1, Council House Street, Kolkata- 700001, has been appointed by the Central Government as the competent authority under Section 3 of the said Act, *vide* notification number S.O. 905, dated the 20th March, 1987, published in Part II, Section 3, Sub-section (ii) of the Gazette of India, dated the 4th April, 1987.

SCHEDULE

Dhanpuri OCM Extension, Sohagpur Area

District Shahdol, Madhya Pradesh

A. Revenue land:

Serial number	Name of village	Patwari halka number	Bandobast number	Tahsil	District	Area in hectares	Remarks
1.	Bemohuri	97	724	Sohagpur	Shahdol	4.418	Part
2.	Silpari	98	987	Sohagpur	Shahdol	11.489	Part
Total Area 15.907 hectares (approximately) or 39.31 acres (approximately).							

B. Forest land:

Serial number	Compartment number	Range	Division	Area in hectares	Remarks
1.	74IV	Burhar	South Shahdol	52.750	Part
2.	77 XIX	Burhar	South Shahdol	1.714	Part
Total Area 54.464 hectares (approximately) or 134.58 acres (approximately).					

Grand Total Area (A+B) = 70.371 hectares (approximately)
or 173.89 acres (approximately)

- Plot numbers to be acquired in village Bemohuri (Part):
36(P), 38(P), 39 to 41, 528 to 531, 538, 539(P), 540(P), 541 (P).
- Plot numbers to be acquired in village Silpari (Part):
314(P), 327(P), 328(P), 329(P), 332(P), 333 to 355, 356(P), 357(P), 359(P), 360, 361 (P), 362, 363, 364(P), 365(P), 369(P), 376(P), 377.

Boundary description:

- A-B: Line starts from point "A" on the village boundary of Bemohuri and passes through forest compartment number 74 IV, plot numbers 38 of village Bemohuri then enter in village Silpari and passes through plot numbers 314, 327, 329, 332, 356, 369 and meets at point "B".
- B-C: Line passes in village Silpari through plot numbers 369, 357, 359, 361, 365, 364, 376, forest compartment number 77 XIX and meets at point "C".
- C-D: Line passes through forest compartment number 77 XIX and plot numbers 314 of village Silpari then through forest compartment number 74 IV after that eastern boundary of plot number 538 of village Bemohuri and meets at point "D".
- D-E: Line passes in village Bemohuri along southern boundary of plot number 538 and through plot numbers 539, 540 and 541 then southern boundary of forest compartment number 74 IV and meets at point "E".
- E-A: Line passes along the southern boundary of forest compartment number 74 IV and through plot number 36 of village Bemohuri then along the southern and western boundary of forest compartment number 74 IV and meets at starting point "A".

[F. No. 43015/4/2007-PRIW-I]

M. SHAHABUDEEN, Under Secy.

नई दिल्ली, 18 मार्च, 2009

का.आ. 760.—केन्द्रीय सरकार को यह प्रतीत होता है कि, इससे उपायद्व अनुसूची में उल्लिखित भूमि में कोयला अभिप्राप्त किए जाने की संभावना है ;

अतः अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में कोयले का पूर्वक्षण करने के अपने आशय की सूचना देती है ;

इस अधिसूचना के अंतर्गत आने वाले रेखा संख्यांक सी-1 (ई) III/जेजेएमआर/768/0908, तारीख 17 सितम्बर, 2008 का निरीक्षण वेस्टर्न कोलफील्ड्स लिमिटेड (राजस्व अनुभाग), कोल ईस्टेट, सिविल लाईन्स, नागपुर-440001 (महाराष्ट्र) के कार्यालय में या मुख्य महाप्रबंधक (एक्सप्लोरेशन प्रभाग), केन्द्रीय खान, योजना और डिजाइन संस्थान, गोंडवाना प्लेस, कौंके रोड, राँची (झारखंड) के कार्यालय में या कोयला नियंत्रक, 1, कार्गोसिल हाऊस स्ट्रीट, कोलकाता के कार्यालय में या कलेक्टर और जिला मजिस्ट्रेट, चंद्रपुर (महाराष्ट्र) के कार्यालय में किया जा सकता है ;

इस अधिसूचना के अंतर्गत आनेवाली भूमि में, हितबद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक्शों, चार्टों और अन्य दस्तावेजों को इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर, विशेष कार्य अधिकारी (भूमि/राजस्व), वेस्टर्न कोलफील्ड्स लिमिटेड, राजस्व विभाग, कोल ईस्टेट, सिविल लाईन्स, नागपुर-440001 (महाराष्ट्र) को भेजेंगे।

अनुसूची

देउलवाडा एक्सप्लोरेशन ब्लॉक

माजरी क्षेत्र

जिला चंद्रपुर (महाराष्ट्र)

[रेखा संख्यांक सी-1 (ई) III/जेजेएमआर/768-0908, तारीख 17 सितम्बर, 2008]

क्रम संख्या	ग्राम का नाम	पटवारी सर्कल संख्या	तहसील	जिला	क्षेत्रफल (लगभग) हेक्टर	टिप्पणी
1.	देउलवाडा	4	भद्रावती	चंद्रपुर	3.59	पूर्ण

कुल क्षेत्र :—3.59 हेक्टर (लगभग) या 8.87 एकड़ (लगभग)

सीमा वर्णन :—

क-ख रेखा ग्राम देउलवाडा में बिन्दु "क" से आरंभ होती है और प्लॉट संख्या 80 और प्लॉट संख्या 78 की सम्मिलित ग्राम सीमा से लगकर गुजरती है और बिन्दु "ख" पर मिलती है।

- ख-ग : रेखा प्लॉट संख्या 80 और प्लॉट संख्या 77 की सम्मिलित सीमा से लगकर गुजरती है फिर प्लॉट संख्या 80 और प्लॉट संख्या 81 की सम्मिलित सीमा से लगकर गुजरती है और बिन्दु "ग" पर मिलती है ।
- ग-घ : रेखा प्लॉट संख्या 80 और प्लॉट संख्या 82 की सम्मिलित सीमा से लगकर गुजरती है फिर प्लॉट संख्या 80 और प्लॉट संख्या 83 की सम्मिलित सीमा से गुजरती है और बिन्दु "घ" पर मिलती है ।
- घ-क : रेखा प्लॉट संख्या 80 और प्लॉट संख्या 79 की सम्मिलित सीमा से लगकर गुजरती है और बिन्दु आरम्भिक "क" पर मिलती है ।

[फा.सं. 43015/29/2008-पीआरआईडब्ल्यू-1]

एम. शहाबुद्दीन, अवर सचिव

New Delhi, the 18th March, 2009

S.O. 760.—Whereas it appears to the Central Government that Coal is likely to be obtained from the lands in the locality mentioned in the Schedule hereto annexed.

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan bearing Number C-1 (E)III/JJMR/768-0908 dated the 17th September, 2008 of the area covered by this notification can be inspected in the office of the Western Coalfields Limited (Revenue Department), Coal Estate, Civil Lines, Nagpur-440001 (Maharashtra) or at the office of the Chief General Manager (Exploration Division), Central Mine Planning and Design Institute, Gondwana Place, Kanke Road, Ranchi or at the office of the Coal Controller, 1, Council House Street, Kolkata or at the office of the District Collector, Chandrapur (Maharashtra).

All persons interested in the lands covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Officer on Special Duty (Land/Revenue), Western Coalfields Limited (Revenue Department), Coal Estate, Civil Lines, Nagpur-440001 (Maharashtra) within ninety days from the date of publication of this notification in the Official Gazette.

SCHEDULE**Deulwada Expansion Block****Majri Area****District Chandrapur (Maharashtra)**

Plan Number C-1 (E)III/JJMR/768-0908 dated the 17th September, 2008).

Sl. No.	Name of Village	Patwari circle number	Tehsil	District	Area (approximately) in hectares	Remarks
1.	Deulwada	4	Bhadrawati	Chandrapur	3.59	Full

Total area :—3.59 hectares (Approximately) or 8.87 acres (Approximately).

BOUNDARY DESCRIPTION:—

A-B: Line starts from Point 'A' in village Deulwada and passes along the common boundary of Plot number 80 and Plot number 78 and meets at Point 'B'.

B-C: Line passes along the Plot number 80 and Plot number 77, then passes along the Plot number 80 and Plot number 81 and meets at point 'C'.

C-D: Line passes along the boundary of Plot number 80 and Plot number 82, then passes along the Plot number 80 and Plot number 83 and meets at point 'D'.

D-A: Line passes along the Plot number 80 and Plot number 79 and meets at starting point 'A'.

[F. No. 43015/29/2008-PRIW-I]

M. SHAHABUDEEN, Under Secy.

नई दिल्ली, 19 मार्च, 2009

का.आ. 761.—केंद्रीय सरकार को यह प्रतीत होता है, कि इससे उपाबद्ध अनुसूची में उल्लिखित परिक्षेत्र की भूमि में से कोयला अभिप्राप्त किए जाने की संभावना है ;

अतः अब, केंद्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास), अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में कोयले का पूर्वोक्त करने के अपने आशय की सूचना देती है ;

इस अधिसूचना के अंतर्गत आने वाले रेखांक सं. सी-1 (ई) III/जी.आर./769-0908, तारीख 19 सितम्बर, 2008 का निरीक्षण वेस्टर्न कोलफील्ड्स लिमिटेड (राजस्व विभाग), कोल ईस्टेट, सिविल लाइन्स, नागपुर 440001 (महाराष्ट्र) के कार्यालय में या मुख्य महाप्रबंधक (एक्सप्लोरेशन डिवीजन), केंद्रीय खान, योजना और डिजाइन संस्थान, मॉडवना पॅलेस, कॉक रोड, राँची के कार्यालय में या कोयला नियंत्रक, 1, काऊंसिल हाऊस स्ट्रीट, कोलकाता के कार्यालय में या जिला कलेक्टर छिन्दवाड़ा (मध्य प्रदेश) के कार्यालय में किया जा सकता है ;

इस अधिसूचना के अंतर्गत आने वाली भूमि में, हितबद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक्शों, चार्टों और अन्य दस्तावेजों को इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से 90 दिनों के भीतर, मुख्य महाप्रबंधक, वेस्टर्न कोलफील्ड्स लिमिटेड, पेंच क्षेत्र, डाकघर-परासिया, तहसील परासिया, जिला छिन्दवाड़ा (मध्य प्रदेश) या वेस्टर्न कोलफील्ड्स लिमिटेड (राजस्व विभाग), कोल ईस्टेट, सिविल लाइन्स, नागपुर-440001 (महाराष्ट्र) को भेजेंगे।

अनुसूची

मगरई ब्लॉक

पेंच क्षेत्र

जिला छिन्दवाड़ा (मध्य प्रदेश)

[रेखांक सं. सी-1 (ई) III/जी.आर./769-0908, तारीख 19 सितम्बर, 2009]

क्रम संख्या	ग्राम का नाम	पटवारी सर्कल संख्या	सेटलमेंट संख्या	तहसील	जिला	क्षेत्रफल हेक्टर में	टिप्पणी
1.	उर्धन	66	24	परासिया	छिन्दवाड़ा	284.671	भाग
2.	जमुनिया	66	192	परासिया	छिन्दवाड़ा	20.650	भाग
3.	बगबरडिया	67	369	परासिया	छिन्दवाड़ा	182.108	भाग
4.	बरडिया आरक्षित वन	कम्पार्टमेंट संख्या 699, 703(क), 703(ग)	ब्लॉक संख्या 39	परासिया	छिन्दवाड़ा	113.311	भाग

कुल क्षेत्र :—600.740 हेक्टर (लगभग) या 1484.46 एकड़ (लगभग)

सीमा वर्णन :—

- क-ख : रेखा, ग्राम बरडिया में बिन्दु "क" से आरंभ होती है और ग्राम बरडिया से होती हुई ग्राम बगबरडिया और बरडिया आरक्षित वन की सम्मिलित ग्राम सीमा पर बिन्दु "ख" पर मिलती है।
- ख-ग-घ : रेखा, बरडिया आरक्षित वन से गुजरती हुई बिन्दु "ग" के पास से गुजरती है फिर बरडिया आरक्षित वन और ग्राम जमुनिया की सम्मिलित सीमा को पार करती है और उर्धन ओपन कास्ट प्रोजेक्ट की सीमा पर बिन्दु "घ" पर मिलती है।
- घ-ङ-च : रेखा, ग्राम जमुनिया में उर्धन ओपन कास्ट प्रोजेक्ट की बाह्य सीमा से गुजरती है फिर ग्राम जमुनिया और ग्राम उर्धन की बाह्य सीमा को बिन्दु "ङ" के पास पार करती है फिर उर्धन ओपन कास्ट प्रोजेक्ट की बाह्य सीमा से गुजरती हुई ग्राम उर्धन और ग्राम दुमरी की बाह्य सीमा पर बिन्दु "च" पर मिलती है।
- च-छ : रेखा, ग्राम उर्धन और ग्राम दुमरी की सम्मिलित ग्राम सीमा से गुजरती हुई ग्राम उर्धन, ग्राम दुमरी और ग्राम झुरे की सम्मिलित तिराही ग्राम सीमा पर सीमा पर बिन्दु "छ" पर मिलती है।
- छ-ज : रेखा, ग्राम उर्धन और ग्राम झुरे की सम्मिलित ग्राम सीमा से गुजरती हुई ग्राम उर्धन और ग्राम झुरे और थावनरी आरक्षित वन की तिराही सीमा पर बिन्दु "ज" पर मिलती है।
- ज-झ : रेखा, ग्राम उर्धन और थावनरी आरक्षित वन की सम्मिलित सीमा से गुजरती हुई ग्राम उर्धन, ग्राम बगबरडिया और थावनरी आरक्षित वन की तिराही सीमा पर बिन्दु "झ" पर मिलती है।
- घ-क : रेखा, ग्राम बगबरडिया और थावनरी आरक्षित वन की सम्मिलित सीमा से गुजरती है और ग्राम बगबरडिया तथा थावनरी आरक्षित वन की सम्मिलित ग्राम सीमा पर आरंभिक बिन्दु "क" पर मिलती है।

[सं. 43015/20/2008-पीआरआईडब्ल्यू-1]

एम. शहाबुद्दीन, अवर सचिव

New Delhi, the 19th March, 2009

S.O. 761.—Whereas it appears to the Central Government that Coal is likely to be obtained from the lands in the locality mentioned in the Schedule hereto annexed.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan bearing Number C-1 (E)III/GR/769-0908 dated 19th September, 2008 of the area covered by this notification can be inspected in the office of the Western Coalfields Limited (Revenue Department), Coal Estate, Civil Lines, Nagpur-440001 (Maharashtra) or at the office of the Chief General Manager (Exploration Division), Central Mine Planning and Design Institute, Gondwana Place, Kanke Road, Ranchi or at the office of the Coal Collector, 1, Council House Street, Kolkata or at the office of the District Collector, Chhindwara (Madhya Pradesh).

All persons interested in the lands covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the office of the Chief General Manager, Western Coalfields Limited, Pench Area, Post Parasia, Tahsil Parasia, District Chhindwara (Madhya Pradesh) or Officer on Special Duty (Land and Revenue), Western Coalfields Limited, Revenue Department, Coal Estate, Civil Lines, Nagpur-440001 (Maharashtra) within ninety days from the date of publication of this notification in the Official Gazette.

SCHEDULE**Magrai Block****Pench Area****District Chhindwara (Madhya Pradesh)**

(Plan Number C-1 (E)III/GR/769-0908 dated the 19th September, 2008).

Sl. No.	Name of Village	Patwari circle number	Settlement number	Tahsil	District	Area in hectares	Remarks
1.	Urdhan	66	24	Parasia	Chhindwara	284.671	Part
2.	Jamunia	66	192	Parasia	Chhindwara	20.650	Part
3.	Bagbardia	67	369	Parasia	Chhindwara	182.108	Part
4.	Bardia Reserve Forest	Compt. No. 699, 703(A), 703(C)	Block No. 39	Parasia	Chhindwara	113.311	Part

Total area :—600.740 hectares (Approximately) or 1484.46 acres (Approximately)

BOUNDARY DESCRIPTION:—

- A-B** : Line starts from Point 'A' in village Bagbardia and passes through village Bagbardia and meets on common boundary of village Bagbardia and Bardia Reserve Forest at Point 'B'.
- B-C-D** : Line passes through Bardia Reserve Forest and passes nearby Point 'B' in Bardia Reserve Forest and crosses common boundary of Bardia Reserve Forest and village Jamunia and passes through village Jamunia and meets on out boundary of Urdhan Opencast Project at point 'D'.
- D-E-F** : Line passes along the outer boundary of Urdhan Opencast Project in village Jamunia, then crosses common village boundary of villages Jamunia and Urdhan at Point 'E'. Then passes along the outer boundary of Urdhan Opencast Project in village Urdhan and meets on Common village boundary of villages Urdhan and Tumri at point 'F'.
- F-G** : Line passes along the common village boundary of villages Urdhan and Tumri and meets on trijunction of villages Urdha, Tumri and Jhurre at point 'G'.
- G-H** : Line passes along the common village boundary of villages Urdhan and Jhurre and meets on trijunction of village Urdhan, village Jhurre and Thaonari Reserve Forest at point 'H'.
- H-I** : Line passes along the common boundary of village Urdhan and Thaonari Reserve Forest and meets on trijunction of village Urdhan, village Bagbardia and Thaonari Reserve Forest at point 'I'.
- I-A** : Line passes along the common boundary of villages Bagbardia and Thaonari Reserve Forest and meets on common boundary of villages Bagbardia and Thaonari Reserve Forest at starting point 'A'.

[No. 430 15/20/2008-PRIW-I]

M. SHAHABUDEEN, Under Secy.

नई दिल्ली, 20 मार्च, 2009

का.आ. 762.—केन्द्रीय सरकार को यह प्रतीत होता है, कि इससे उपाबद्ध अनुसूची में उल्लेखित परिक्षेत्र की भूमि में से कोयला अभिप्राप्त किए जाने की संभावना है;

अतः, अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में कोयले का पूर्वेक्षण करने के अपने आशय की सूचना देती है;

इस अधिसूचना के अंतर्गत आने वाले रेखांक सं. सी-1(ई) III /जेजेएमआर/775-0109, तारीख 24 जनवरी, 2009 का निरीक्षण, वेस्टर्न कोलफील्ड्स लिमिटेड (राजस्व विभाग), कोल ईस्टेट, सिविल लाईन्स, नागपुर-440 001 (महाराष्ट्र) के कार्यालय में या मुख्य महाप्रबंधक (एक्सप्लोरेशन प्रभाग), केन्द्रीय खान, योजना और डिजाइन संस्थान, गोंडवाना पैलेस, कॉक रोड, राँची के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाऊस स्ट्रीट, कोलकाता के कार्यालय में या जिला कलेक्टर, चंद्रपुर (महाराष्ट्र) के कार्यालय में किया जा सकता है।

इस अधिसूचना के अंतर्गत आने वाली भूमि में, हितबद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उप-धारा (7) में निर्दिष्ट सभी नक्शों, चार्टों और अन्य दस्तावेजों को इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से 90 दिनों के भीतर, मुख्य महाप्रबंधक, माजरी क्षेत्र, पोस्ट कुचना, तहसील वरोरा, जिला चंद्रपुर-442 503 (महाराष्ट्र) या वेस्टर्न कोलफील्ड्स लिमिटेड, राजस्व विभाग, कोल ईस्टेट, सिविल लाईन्स, नागपुर-440 001 (महाराष्ट्र) को भेजेंगे।

अनुसूची

तेलवासा एक्सप्लोरेशन ओपनकास्ट ब्लॉक

माजरी क्षेत्र

जिला चंद्रपुर (महाराष्ट्र)

(रेखांक सं. सी-1 (ई) III /जेजेएमआर/775-0109, तारीख 24 जनवरी, 2009)

क्र. सं.	ग्राम का नाम	पटवारी सर्कल संख्या	तहसील	जिला	क्षेत्रफल हेक्टर में	टिप्पणी
1	तेलवासा	28	भद्रावती	चंद्रपुर	21.00	भाग

कुल क्षेत्र : 21.00 हेक्टर (लगभग)

या

51.89 एकड़ (लगभग)

सीमा वर्णन :-

- क - ख : रेखा, बिन्दु 'क' से आरंभ होती है और ग्राम तेलवासा से वर्धा नदी के पूर्वी तट से बढ़ती हुई ग्राम तेलवासा से होती हुई बिन्दु 'ख' पर मिलती है।
- ख - ग : रेखा, ग्राम तेलवासा से होती हुई जाती है और नाले की बाहरी सीमा के साथ गुजरती हुई और नाला पार करके फिर ग्राम तेलवासा खंड की बाहरी सीमा से गुजरती हुई बिन्दु 'ग' पर मिलती है।
- ग - घ : रेखा, ग्राम तेलवासा से होती हुई सड़क की बाहरी सीमा से गुजरती है और बिन्दु 'घ' पर मिलती है।
- घ - क : रेखा, ग्राम तेलवासा से होकर जाती है और ग्राम तेलवासा की बाह्य सीमा और ग्राम सड़क की बाह्य सीमा के साथ आगे बढ़ती है और आरंभिक बिन्दु 'क' पर मिलती है।

[फा. सं. 43015/7/2009-पीआरआईडब्ल्यू-1]

एम. शहाबुद्दीन, अवर सचिव

New Delhi, the 20th March, 2009

S.O. 762.—Whereas, it appears to the Central Government that Coal is likely to be obtained from the lands in the locality mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal therein;

The plan bearing number C-1(E) III/JJMR/775-0109 dated the 24th January, 2009 of the area covered by this notification can be inspected in the office of the Western Coalfields Limited (Revenue Department), Coal Estate, Civil Lines, Nagpur-440001 (Maharashtra) or at the office of the Chief General Manager (Exploration Division), Central Mine Planning and Design Institute, Gondwana Place, Kanke Road, Ranchi or at the office of the Coal Collector, I, Council House Street, Kolkata or at the office of the District Collector Chhindwara (Madhya Pradesh).

All persons interested in the lands covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of Section 13 of the said Act to the office of the Chief General Manager Western Coalfields Limited, Majri Area, Post Kuchna Tahsil Warora, District Chandrapur-442503 (Maharashtra) or Officer on Special Duty (Land and Revenue), Western Coalfields Limited, Revenue Department, Coal Estate, Civil Lines, Nagpur-440001 (Maharashtra) within ninety days from the date of publication of this notification in the Official Gazette.

SCHEDULE

Telwasa Expansion OC Block Majri Area

District Chandrapur (Maharashtra)

(Plan number C-1 (E) III/JJMR/775-0109 dated 24th January, 2009)

Sl.	Name of Village	Patwari circle No.	Tahsil	District	Area in Hectares	Remarks
1.	Telwasa	28	Bhadrawati	Chandrapur	21.00	Part

Total area: 21.00 hectares (approximately)

or 51.89 acres (approximately)

Boundary description :

- A-B: Line starts from Point 'A' through village Telwasa along the eastern bank of Wardha River of village Telwasa and meets at Point 'B',
- B-C: Line passes through village Telwasa and proceeds along the outer boundary of Nallah and then crosses Nallah then proceeds along the outer boundary of Telwasa Block and meets at Point 'C',
- C-D: Line passes through village Telwasa along with the outer boundary of village road and meets at Point 'D',
- D-A: Line passes through village Telwasa and proceeds along the outer boundary of Telwasa village and outer boundary of village road and meets at starting Point 'A'.

[F. No. 43015/7/2009/PRIW-I]
M. SHAHABUDEEN, Under Secy.

नई दिल्ली, 23 मार्च, 2009

का.आ. 763.—केन्द्रीय सरकार को यह प्रतीत होता है, कि इससे उपाबद्ध अनुसूची में उल्लिखित भूमि में कोयला अभिप्राप्त किए जाने की संभावना है;

अतः, अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम 1957 (1957 का 20) (जिसे इसमें पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उसमें कोयले का पूर्वोक्त करने के अपने आशय की सूचना देती है;

इस अधिसूचना के अंतर्गत आने वाले रेखांक सं. एम.सी./एम.पी./08/03 तारीख 11 सितम्बर, 2008 का निरीक्षण प्रखंड भूमि और भूमि सुधार कार्यालय, सालानपुर, थाना सालानपुर, जिला बर्दवान (पश्चिम बंगाल) के कार्यालय में या मुख्य महाप्रबंधक (अन्वेषण खंड), सेन्ट्रल माइन प्लानिंग एण्ड डिजाइन इन्स्टीट्यूट लिमिटेड, गोन्दवाना प्लेस, काँके रोड, राँची या कोयला नियंत्रक 1, कार्गोसिल हाऊस स्ट्रीट, कोलकाता या कलेक्टर, बर्दवान (पश्चिम बंगाल) या ईस्टर्न कोलफील्ड्स लिमिटेड का मुख्यालय, संक्टोरिया, डाकघर डिशेरगढ़, जिला बर्दवान (पश्चिम बंगाल), पिन-713333 के कार्यालय में किया जा सकता है ;

इस अधिसूचना के अंतर्गत आने वाली भूमि में, हितबद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उप-धारा (7) में निर्दिष्ट सभी नक्शे, चार्ट और अन्य दस्तावेज को इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से 90 दिनों के भीतर महाप्रबंधक मुख्य महाप्रबंधक के, सालानपुर क्षेत्र, डाकघर लालगंज, जिला बर्दवान (पश्चिम बंगाल) पिन-713359 को भेजेंगे।

अनुसूची

मोहनपुर (विस्तार) ओ. सी. पी. कोयला खनन ब्लॉक

जिला-बर्दवान (पश्चिम बंगाल)

योजना संख्या : एमसी/एसपी/08/03

तारीख 11 सितम्बर, 2008

क्र. सं.	मौजा/ग्राम	थाना	ग्राम संख्याक	जिला	क्षेत्रफल (हेक्टेयर में)	क्षेत्रफल (एकड़ में)	टिप्पणी
1	पहाड़गोड़ा	सालानपुर	जे. एल. सं. 64	बर्दवान	24.80	61.28	
				योग	24.80	61.28	
					हेक्टेयर	एकड़	
					(लगभग)	(लगभग)	

सीमा वर्णन :-

- क से ख : रेखा मोहनपुर मौजा, जे. एल. सं. 65 की प्लाट संख्या 123 एवं पहाड़गोड़ा मौजा, जे. एल. सं. 64 की प्लाट सं. 604 की संयुक्त परिसीमा से प्रारम्भ होकर एवं पहाड़गोड़ा मौजा, जे. एल. सं. 64 की प्लाट संख्या 604, 605, 606, 446, 444, 443, 440, 438, 433, 396, 397, 398, 390 से होते हुए पहाड़गोड़ा मौजा, जे. एल. सं. 64 की प्लाट संख्या 362 में बिन्दु ख से मिलती है।
- ख से ग : रेखा पहाड़गोड़ा मौजा, जे. एल. सं. 64 की प्लाट संख्या 362 से प्रारंभ होते हुए पहाड़गोड़ा मौजा, जे. एल. सं. 64 की प्लाट सं. 350 को पार करते हुए पहाड़गोड़ा मौजा जे. एल. सं. 64 की प्लाट सं. 351 में बिन्दु ग से मिलती है।
- ग से घ : रेखा पहाड़गोड़ा मौजा, जे. एल. सं. 64 की प्लाट सं. 351 से प्रारंभ होकर पहाड़गोड़ा मौजा, जे. एल. सं. 64 की प्लाट सं. 253 (कच्चा रास्ता) से पार करते हुए पहाड़गोड़ा मौजा, जे. एल. सं. 64 की प्लाट संख्या 254, 251, 249 (परित्यक्त रेलवे लाइन), 248, 497 से होते हुए पहाड़गोड़ा मौजा, जे. एल. सं. 64 की प्लाट संख्या 497 में बिन्दु घ से मिलती है।
- घ से ङ : रेखा पहाड़गोड़ा मौजा, जे. एल. सं. 64 की प्लाट संख्या 497 से प्रारंभ होकर पहाड़गोड़ा मौजा, जे. एल. सं. 64 की प्लाट संख्या 498 में बिन्दु ङ से मिलती है।
- ङ से च : रेखा पहाड़गोड़ा मौजा, जे. एल. सं. 64 की प्लाट संख्या 498 से प्रारंभ होते हुए पहाड़गोड़ा मौजा, जे. एल. सं. 64 की प्लाट संख्या 496 (तालाब) की उत्तर से गुजरते हुए इसी प्लाट के पूर्व में बिन्दु च से मिलती है।
- च से छ : रेखा पहाड़गोड़ा मौजा, जे. एल. सं. 64 की प्लाट संख्या 496 से प्रारंभ होते हुए पहाड़गोड़ा मौजा, जे. एल. सं. 64 की प्लाट संख्या 494 के उत्तर-पश्चिम से गुजरते हुए पहाड़गोड़ा मौजा, जे. एल. सं. 64 की प्लाट संख्या 538, 537 को पार करता हुआ पहाड़गोड़ा मौजा, जे. एल. सं. 64 की प्लाट संख्या 540 की दक्षिण परिसीमा को स्पर्श करता हुआ एवं पहाड़गोड़ा मौजा, जे. एल. सं. 64 की प्लाट संख्या 541 को पार करके पहाड़गोड़ा मौजा, जे. एल. सं. 64 की प्लाट संख्या 542 में बिन्दु छ से मिलती है।
- छ से ज : रेखा पहाड़गोड़ा मौजा, जे. एल. सं. 64 की प्लाट संख्या 542 से प्रारंभ होते हुए पहाड़गोड़ा मौजा, जे. एल. सं. 64 की प्लाट संख्या 543 को पार करके पहाड़गोड़ा मौजा, जे. एल. सं. 64 की प्लाट संख्या 494 के उत्तर-पूर्व में बिन्दु ज से मिलती है।
- ज से झ : रेखा पहाड़गोड़ा मौजा, जे. एल. सं. 64 की प्लाट संख्या 494 के उत्तर-पूर्व से प्रारंभ होकर पहाड़गोड़ा मौजा, जे. एल. सं. 64 की प्लाट संख्या 494 और मोहनपुर मौजा जे. एल. सं. 65 की प्लाट सं. 8 के संयुक्त परिसीमा पर बिन्दु झ से मिलती है।
- झ से ञ : रेखा पहाड़गोड़ा मौजा, जे. एल. सं. 64 की प्लाट संख्या 494 और मोहनपुर मौजा जे. एल. सं. 65 की प्लाट संख्या 8, 9 और 10 की संयुक्त परिसीमा से प्रारंभ होकर संयुक्त परिसीमा पर बिन्दु ञ से मिलती है।
- ञ से ट : रेखा पहाड़गोड़ा मौजा, जे. एल. सं. 64 की प्लाट संख्या 494 और मोहनपुर मौजा, जे. एल. सं. 65 की प्लाट संख्या 113 के संयुक्त परिसीमा से प्रारंभ होकर इसी संयुक्त परिसीमा पर बिन्दु ट से मिलती है।
- ट से ठ : रेखा पहाड़गोड़ा मौजा, जे. एल. सं. 64 की प्लाट संख्या 494 और मोहनपुर मौजा, जे. एल. सं. 65 की प्लाट संख्या 113 और 114 के संयुक्त परिसीमा से प्रारंभ होकर इसी संयुक्त परिसीमा पर बिन्दु ठ से मिलती है।
- ठ से ड : रेखा पहाड़गोड़ा मौजा, जे. एल. सं. 64 की प्लाट संख्या 493 (परित्यक्त रेलवे लाइन) के उत्तर-पूर्व और मोहनपुर मौजा, जे. एल. सं. 65 की प्लाट संख्या 112 के संयुक्त परिसीमा से प्रारंभ होकर इसी संयुक्त परिसीमा पर बिन्दु ड से मिलती है।

- ड से ढ : रेखा पहाड़गोड़ा मौजा, जे. एल. सं. 64 की प्लॉट संख्या 493 के दक्षिण-पूर्व और मोहनपुर मौजा, जे. एल. सं. 65 की प्लॉट संख्या 112 के दक्षिण-पश्चिम से प्रारंभ होकर पहाड़गोड़ा मौजा, जे. एल. सं. 64 की प्लॉट संख्या 580, 582 और मोहनपुर मौजा, जे. एल. सं. 65 की प्लॉट संख्या 119 के संयुक्त परिसीमा पर बिन्दु ढ से मिलती है।
- ढ से ण : रेखा पहाड़गोड़ा मौजा, जे. एल. सं. 64 की प्लॉट संख्या 581 और मोहनपुर मौजा, जे. एल. सं. 65 की प्लॉट संख्या 119 के संयुक्त परिसीमा से प्रारंभ होकर इसी संयुक्त परिसीमा पर बिन्दु ण से मिलती है।
- ण से त : रेखा पहाड़गोड़ा मौजा, जे. एल. सं. 64 की प्लॉट संख्या 581 और मोहनपुर मौजा, जे. एल. सं. 65 की प्लॉट संख्या 119 के संयुक्त परिसीमा से प्रारंभ होकर इसी संयुक्त परिसीमा पर बिन्दु त से मिलती है।
- त से थ : रेखा पहाड़गोड़ा मौजा, जे. एल. सं. 64 की प्लॉट संख्या 603 और मोहनपुर मौजा, जे. एल. सं. 65 की प्लॉट संख्या 119 के संयुक्त परिसीमा से प्रारंभ होकर इसी संयुक्त परिसीमा पर बिन्दु थ से मिलती है।
- थ से क : रेखा पहाड़गोड़ा मौजा, जे. एल. सं. 64 की प्लॉट संख्या 603 और मोहनपुर मौजा, जे. एल. सं. 65 की प्लॉट संख्या 121 की संयुक्त परिसीमा से प्रारंभ होते हुए पहाड़गोड़ा मौजा, जे. एल. सं. 64 की प्लॉट संख्या 604 और मोहनपुर मौजा, जे. एल. सं. 65 की प्लॉट संख्या 123 की संयुक्त परिसीमा पर प्रारंभिक मूल बिन्दु क से मिलती है।

[फा. सं. 43015/28/2008-पीआरआईडब्ल्यू-1]

एम. शहाबुद्दीन, अवर सचिव

New Delhi, the 23rd March, 2009

S.O. 763.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands in the locality mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the power conferred by sub-section (1) of Section 4 of the Coal Bearing Areas (Acquisitions and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal therein;

The Plan bearing number MC/MP/08/03 dated 11th September, 2008 of the area covered by this notification can be inspected in the office of the Block Land & Land Reforms Office, Salanpur, Police Station Salanpur, District Burdwan (West Bengal) or at the office of Chief General Manager (Exploration Division), Central Mine Planning and Design Institute, Gondwana Place, Kanke Road, Ranchi or at the office of the Coal Controller, 1 Council House Street, Kolkata or at the office of the District Collector, Burdwan (West Bengal) or at the headquarters of M/s. Eastern Coalfields Limited, Sanctoria, Post Office Dishergarh, District Burdwan (West Bengal), PIN Code 713333.

All persons interested in the land covered by this notification shall deliver all maps, charts and other documents referred in sub-section (7) of Section 13 of the said Act to the General Manager/Chief General Managers, Salanpur Area, Post Office Lalganj, District Burdwan (West Bengal), PIN Code 713359 within ninety days from the date of publication of this notification in the Official Gazette :

SCHEDULE**MOHANPUR (EXPANSION) OCP Coal Mining Block**

District Burdwan (West Bengal)

Plan number: MC/MP/08/03 dated 11th September, 2008

Sl. No.	Mouja/Village	Thana	Village Number	District	Area (in hectares approximately)	Area (in acres approximately)	Remarks
1.	Pahargora	Salanpur	J. L. No. 64	Burdwan	24.80	61.28	
Total area					24.80 (hectares approximately)	61.28 (acres approximately)	

Boundary Description:

A-B: Line starts from common boundary of plot number 123 of Mohanpur Mouza, J.L. number 65 and plot No. 604 of Pahargora Mouza, J.L. number 64 and crosses through plot number 604, 605, 606, 446, 444, 443, 440, 438, 433, 396, 397, 398, 390 and meets at point B in Plot number 362.

- B-C: Line starts from plot number 362 of Pahargora Mouza, J.L. number 64 and crosses through plot number 350 of Pahargora Mouza, J.L. number 64 and meets at point C in plot number 351 of Pahargora Mouza, J.L. number 64.
- C-D: Line starts from plot number 351 of Pahargora Mouza, J.L. number 64 and passes through plot number 253 (Kacha Road), 254, 251, 249 (Abandoned Railway Line), 248, 497 of Pahargora Mouza, J.L. number 64 and meets at point D in north of plot number 497 of Pahargora Mouza, J.L. number 64.
- D-E: Line starts from plot number 497 of Pahargora Mouza, J.L. number 64 and meets at point E in plot number 498 of Pahargora Mouza, J.L. number 64.
- E-F: Line starts from plot number 498 of Pahargora Mouza, J.L. number 64 and meets at point F in North of plot No. 496 (Pond) Pahargora Mouza, J.L. number 64.
- F-G: Line starts from plot number 496 of Pahargora Mouza, J.L. number 64 and passes through North-West of plot number 494, 538, 537 of Pahargora Mouza, J.L. number 64 then touching South boundary of plot number 540 of Pahargora Mouza, J.L. number 64 and passes through plot number 541 of Pahargora Mouza, J.L. number 64 and meets at point G in plot number 542 of Pahargora Mouza, J.L. number 64.
- G-H: Line starts from plot number 542 of Pahargora Mouza, J.L. number 64 and passes through plot No. 543 and meets at point H in North-East of plot number 494 of Pahargora Mouza, J.L. number 64.
- H-I: Line starts and passes through North-East of plot number 494 of Pahargora Mouza, J.L. number 64 and meets at point I on common boundary between plot number 494 of Pahargora Mouza, J.L. number 64 and plot number 8 of Mohanpur Mouza, J.L. number 65.
- I-J: Line starts and passes through common boundary between plot number 494 of Pahargora Mouza, J.L. number 64 and plot number 8, 9 and 10 of Mohanpur Mouza, J.L. number 65 and meets at point J.
- J-K: Line starts and passes through common boundary between plot number 494 of Pahargora Mouza, J.L. number 64 and plot number 113 of Mohanpur Mouza, J.L. number 65 and meets at point K.
- K-L: Line starts and passes through common boundary of plot number 494 of Pahargora Mouza, J.L. number 64 and plot number 113 and 114 of Mohanpur Mouza, J.L. number 65 and meets at point L.
- L-M: Line starts from common boundary between East-North of plot number 493 (Abandoned Railway Line) and plot number 112 of Mohanpur Mouza, J.L. number 65 and passes through common boundary of plot number 493 of Pahargora Mouza, J.L. number 64 and plot number 112 of Mohanpur Mouza, J.L. number 65 and meets at point M.
- M-N: Line starts from common boundary between South-East of plot number 493 of Pahargora Mouza, J.L. number 64 and South-West of plot number 112 of Mohanpur Mouza, J.L. number 65 and passes through common boundary between plot number 580, 582 of Pahargora Mouza, J.L. number 64 and plot number 119 of Mohanpur Mouza, J.L. number 65 and meets at point N.
- N-O: Line starts and passes through common boundary between plot number 581 of Pahargora Mouza, J.L. number 64 and plot number 119 of Mohanpur Mouza, J.L. number 65 and meets at point O.
- O-P: Line starts and passes through common boundary between plot number 581 of Pahargora Mouza, J.L. number 64 and plot number 119 of Mohanpur Mouza, J.L. number 65 and meets at point P.
- P-Q: Line starts and passes through common boundary between plot number 603 of Pahargora Mouza, J.L. number 64 and 119 of Mohanpur Mouza, J.L. number 65 and meets at point Q.
- Q-A: Line starts and passes through common boundary between plot number 603 of Pahargora Mouza, J.L. number 64 and plot number 121 of Mohanpur Mouza, J.L. number 65 and meets at starting point A on common boundary between plot number 604 of Pahargora Mouza, J.L. number 64 and plot number 123 of Mohanpur Mouza, J.L. number 65.

[F. No. 43015/28/2008/PRIW-I]

M. SHAHABUDEEN, Under Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 16 मार्च, 2009

का.आ. 764.—भारत सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि राजस्थान राज्य में सेमकोर टर्मिनल (नया नोहरा) पाइपलाइन परियोजना के माध्यम से प्राकृतिक गैस के परिवहन के लिए गेल (इण्डिया) लिमिटेड द्वारा, एक पाइपलाइन बिछाई जानी चाहिए;

और भारत सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, भारत सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उप-धारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध कर दी जाती हैं, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाए जाने के संकेत में, श्री एस. सी. जैन, सक्षम प्राधिकारी, गेल (इण्डिया) लिमिटेड, गेल विहार, सैक्टर-6, विद्याधर नगर, जयपुर, राजस्थान को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

जिला	तहसील	गांव	सर्वे नं.	आर.ओ.यू. अर्जित करने के लिए क्षेत्रफल (हेक्टेयर में)
1	2	3	4	5
कोटा	लाडपुरा	नया नोहरा	84	0.0800
			84/5	0.0800
			84/4	0.1100
			85/2	0.0280
			85/1	0.0300
			85	0.0270
			86	0.0060
			87	0.0260
			77	0.0330
				0.4200

[फाईल सं. एल-14014/34/08-जी.पी.]

के.के. शर्मा, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 16th March, 2009

S.O 764.—Whereas it appears to Government of India that it is necessary in the public interest that for transportation of natural gas through Samcore Terminal (Naya Nohra) Pipeline Project in the State of Rajasthan, a pipeline should be laid by GAIL (India) Limited;

And, whereas it appears to Government of India that for the purpose of laying the said pipeline, it is necessary to acquire the Right of User in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), Government of India hereby declares its intention to acquire the Right of User therein;

Any person interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of the notification issued under sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of the pipeline under the land to Shri S.C. Jain, Competent Authority, GAIL (India) Limited, GAIL Training Institute, Sector - 6, Vidhyadhar Nagar, Jaipur, Rajasthan.

SCHEDULE

District	Tehsil	Village	Survey No.	Area to be acquired for ROU (in Hectares)
1	2	3	4	5
Kota	Ladhpura	Naya Nohra	84	0.0800
			84/5	0.0800
			84/4	0.1100
			85/2	0.0280
			85/1	0.0300
			85	0.0270
			86	0.0060
			87	0.0260
			77	0.0330
				0.4200

[F. No. L-14014/34/08-G.P.]

K. K. SHARMA, Under Secy

नई दिल्ली, 16 मार्च, 2009

क्रा.आ. 765.—भारत सरकार पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खण्ड (क) के अनुसरण में पंजाब राज्य में मैसर्स गेल (इण्डिया) लिमिटेड द्वारा पाइपलाइन बिछाने के लिये उक्त अधिनियम के अधीन संलग्न सूची के कालम (1) में वर्णित व्यक्ति को सक्षम प्राधिकारी के कृत्यों का पालन करने के लिये नियुक्त करती है।

अनुसूची

व्यक्ति का नाम और पता	अधिकारिता का क्षेत्र
1	2
श्री मनदीप सिंह धिल्लोन तहसीलदार मैसर्स गेल (इण्डिया) लिमिटेड में, मानदेय के आधार पर उद्योग भवन, एनेक्स बिल्डिंग, 18, हिमालया मार्ग, सेक्टर-17 सी, चण्डीगढ़-160017	सम्पूर्ण पंजाब राज्य

[फा.सं. एल-14014/3/09-जी.पी.]

के. के. शर्मा, अवर सचिव

New Delhi, the 16th March, 2009

S.O. 765.—Whereas, in pursuance of clause (a) of Section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Government of India hereby authorizes the person mentioned in column (1) of the Schedule given below to perform the functions of the Competent Authority in State of Punjab under the said Act for laying pipelines by the said M/s. GAIL (India) Limited in the area mentioned in column (2) of the schedule.

SCHEDULE

Name and Address of the person	Area of Jurisdiction
1	2
Shri Mandip Singh Dhillon, Tehsildar, On honorarium basis to M/s. GAIL (India) Limited, Udyog Bhawan, Annexe Building, 18, Himalaya Marg, Sector - 17C, Chandigarh - 160017.	The whole State of Punjab.

[F. No. L-14014/3/09-G.P.]

K. K. SHARMA, Under Secy.

नई दिल्ली, 25 मार्च, 2009

का. आ. 766.—केंद्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य के विरमगांम से कांडला तक पेट्रोलियम उत्पादों के परिवहन के लिए इंडियन ऑईल कॉर्पोरेशन लिमिटेड, द्वारा विरमगांम-कांडला ब्रांच पाइपलाइन बिछानी जानी चाहिये।

और, केंद्रीय सरकार को यह प्रतीत होता है कि ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए ऐसी भूमि जिसके भीतर पाइपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित है, के उपयोग के अधिकार का अर्जन करना आवश्यक है।

अतः केंद्रीय सरकार पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का उपयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है।

कोई व्यक्ति जो उक्त अनुसूची में वर्णित भूमि से हितबद्ध है, उक्त अधिनियम, की धारा 3 की उपधारा (1) के अधीन जारी की गयी अधिसूचना से युक्त भारत के राजपत्र की प्रतियां साधारण जनता को उपलब्ध करा दिये जाने की तारीख से इक्कीस दिनों के भीतर उसमें उपयोग के अधिकार का अर्जन या भूमि के अंदर पाइपलाइन बिछाने के संबंध में आक्षेप, लिखित रूप में सक्षम प्राधिकारी, इंडियन ऑईल कॉर्पोरेशन लिमिटेड, 3/122, गुजरात रिफाइनरी टाउनशिप, पो.ऑ. जवाहरनगर, जि. वडोदरा-391 320, गुजरात, को कर सकेगा।

अनुसूची

जिला : अहमदाबाद

राज्य : गुजरात

तहसिल का नाम	गांव का नाम	सर्वे संख्या	क्षेत्रफल		
			हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5	6
विरमगांम	हांसलपुर सेरेश्वर	57	0	00	75
		58	0	08	32
		59	0	23	54
		64	0	24	77
		63	0	11	74
		61	0	28	03
		62	0	00	30
	विरमगांम	1230	0	00	42
		1229	0	41	95
		1228	0	13	50
		1225	0	80	09
		1223	0	41	49
	रोड		0	04	81

1	2	3	4	5	6
		1204	0	41	93
		1206	0	29	44
		रोड	0	03	58
		1134	0	51	85
		1135	0	00	10
		1133	0	26	01
		1131	0	17	45
		1130	0	12	94
		1124	0	26	69
		1123	0	25	05
		1125	0	02	79
		1122	0	00	24
		1103	0	31	12
		1104	0	35	05
		1105	0	32	43
		1099	0	05	72
		1097	0	37	35
		1096	0	00	10
		1084	0	24	34
		1085	0	17	92
		1081	0	08	05
		1080	0	14	74
		1076+1077	0	15	00
		1078	0	40	63
		नहर	0	04	52
		1529	0	07	56
		1530	0	19	27
		1074	0	27	46
		नहर	0	05	39
		387	0	12	87
		1073	0	47	36
		1072	0	21	83
	वणी	218	1	00	58
		रोड	0	06	75
		219	0	32	65
		203	0	04	07
		रोड(रामा)	0	04	92
		233	0	03	99
		234	0	30	95
		235	0	16	01

1	2	3	4	5	6
		रेल्वेलाइन	0	06	26
		236	0	05	75
		237	0	20	72
		238	0	01	87
		241	0	36	38
		240	0	42	71
		रोड	0	04	76
		322	0	09	21
		299	0	43	07
		298	0	00	67
		300	0	48	39
		301	0	25	54
		302	0	66	86
		303	0	25	90
		292	0	00	10
		रोड	0	03	65
		382	0	02	21
		383	0	20	15
		388	0	00	10
		389	0	63	38
		391	0	16	51
		394	0	17	37
		399	0	18	81
		395	0	13	34
		396	0	27	68
		397	0	19	73
		रोड	0	02	45
	कंकरावाली	201	0	13	41
		200	0	04	17
		198	0	58	36
		197	0	19	74
		194	0	23	99
		195	0	34	98
	वडगास	रोड	0	02	68
		44	0	16	59
		45	0	00	22
		46	0	15	15
		50	0	08	92
		56	0	23	62

1	2	3	4	5	6
		57	0	00	10
		36	0	24	86
		35	0	05	92
		34	0	20	56
		रोड	0	04	42
		73	0	00	36
		77	0	01	18
		79	0	38	03
		80	0	13	24
		81	0	01	90
		82	0	05	37
		85	0	10	84
		83	0	14	43
		84	0	05	73
		रोड	0	01	84
		131	0	08	96
		रोड	0	01	72
		132	0	17	29
		137	0	14	27
		151	0	13	50
		150	0	00	84
		149	0	12	16
		147	0	02	68
		148	0	14	26
		140	0	02	17
		141	0	26	75
		321	0	02	77
		391	0	02	39
		392	0	28	95
		409	0	13	69
		411	0	09	68
		408	0	21	05
		420	0	07	88
		419	0	08	34
		421	0	33	71
		424	0	14	91
		425	0	20	96
		रोड	0	02	22

1	2	3	4	5	6
		430	0	33	06
		रोड	0	03	04
		516	0	01	94
		515	0	27	94
		514	0	98	00
		513	0	15	87
		512	0	02	25
	गोरैया	नाला	0	22	86
		277	0	00	10
		275	1	55	44
		276	0	16	26
		264	0	63	18
		263	0	21	89
		262	0	14	33
		रोड	0	02	86
		221	0	04	01
		220	0	18	07
		218	0	25	03
		217	0	26	33
		214	0	03	01

[फा. सं. आर-25011/4/2009-ओ.आर.-I]

बी.के.दत्ता, अवर सचिव

New Delhi, the 25th March, 2009

S.O. 766.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of Petroleum Products from Viramgam to Kandla in the State of Gujrat, a pipeline should be laid by the Indian Oil Corporation Limited.

And whereas, it appears to the Central Government that for the purpose of laying said pipeline it is necessary to acquire the Right of User in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification.

Now, therefore in exercise of the powers conferred by sub-section (1) of section 3 of The Petroleum and Mineral Pipelines (Acquisition of Right of user in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the land described in the said schedule may within 21 days from the date on which the copies of this notification issued under sub-section (1) of the section 3 of said Act, as published in the Gazette of India are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to The Competent Authority, Indian Oil Corporation Limited, 3/122, Gujarat Refinery Township, P.O. Jawaharnagar, Dist. Vadodara-391 320 (Gujarat).

SCHEDULE**District : Ahmedabad****State : Gujarat**

Name of Tahsil	Name of Village	Survey No.	Area		
			Hectare	Are	Sq. Mtr.
1	2	3	4	5	6
VIRAMGAM	HANSALPUR SERESHWAR	57	0	00	75
		58	0	08	32
		59	0	23	54
		64	0	24	77
		63	0	11	74
		61	0	28	03
		62	0	00	30
	VIRAMGAM	1230	0	00	42
		1229	0	41	95
		1228	0	13	50
		1225	0	80	09
		1223	0	41	49
		ROAD	0	04	81
		1204	0	41	93
		1206	0	29	44
		ROAD	0	03	58
		1134	0	51	85
		1135	0	00	10
		1133	0	26	01
		1131	0	17	45
		1130	0	12	94
		1124	0	26	69
		1123	0	25	05
		1125	0	02	79
		1122	0	00	24
		1103	0	31	12
		1104	0	35	05
		1105	0	32	43

1	2	3	4	5	6
		1099	0	05	72
		1097	0	37	35
		1096	0	00	10
		1084	0	24	34
		1085	0	17	92
		1081	0	08	05
		1080	0	14	74
		1076+1077	0	15	00
		1078	0	40	63
		CANAL	0	04	52
		1529	0	07	56
		1530	0	19	27
		1074	0	27	46
		CANAL	0	05	39
		387	0	12	87
		1073	0	47	36
		1072	0	21	83
	VANI	218	1	00	58
		ROAD	0	06	75
		219	0	32	65
		203	0	04	07
		ROAD (SH)	0	04	92
		233	0	03	99
		234	0	30	95
		235	0	16	01
		RAILWAY LINE	0	06	26
		236	0	05	75
		237	0	20	72
		238	0	01	87
		241	0	36	38
		240	0	42	71
		ROAD	0	04	76
		322	0	09	21

1	2	3	4	5	6
		299	0	43	07
		298	0	00	67
		300	0	48	39
		301	0	25	54
		302	0	66	86
		303	0	25	90
		292	0	00	10
		ROAD	0	03	65
		382	0	02	21
		383	0	20	15
		388	0	00	10
		389	0	63	38
		391	0	16	51
		394	0	17	37
		399	0	18	81
		395	0	13	34
		396	0	27	68
		397	0	19	73
		ROAD	0	02	45
	KANKRAWALI	201	0	13	41
		200	0	04	17
		198	0	58	36
		197	0	19	74
		194	0	23	99
		195	0	34	98
	VADGAS	ROAD	0	02	68
		44	0	16	59
		45	0	00	22
		46	0	15	15
		50	0	08	92
		56	0	23	62
		57	0	00	10
		36	0	24	86

1	2	3	4	5	6
		35	0	05	92
		34	0	20	56
		ROAD	0	04	42
		73	0	00	36
		77	0	01	18
		79	0	38	03
		80	0	13	24
		81	0	01	90
		82	0	05	37
		85	0	10	84
		83	0	14	43
		84	0	05	73
		ROAD	0	01	84
		131	0	08	96
		ROAD	0	01	72
		132	0	17	29
		137	0	14	27
		151	0	13	50
		150	0	00	84
		149	0	12	16
		147	0	02	68
		148	0	14	26
		140	0	02	17
		141	0	26	75
		321	0	02	77
		391	0	02	39
		392	0	28	95
		409	0	13	69
		411	0	09	68
		408	0	21	05
		420	0	07	88
		419	0	08	34
		421	0	33	71

1	2	3	4	5	6
		424	0	14	91
		425	0	20	96
		ROAD	0	02	22
		430	0	33	06
		ROAD	0	03	04
		516	0	01	94
		515	0	27	94
		514	0	98	00
		513	0	15	87
		512	0	02	25
	GORAIYA	NALA	0	22	66
		277	0	00	10
		275	1	55	44
		276	0	16	26
		284	0	63	18
		283	0	21	89
		262	0	14	33
		ROAD	0	02	86
		221	0	04	01
		220	0	18	07
		218	0	25	03
		217	0	26	33
		214	0	03	01

[F. No. R-25011/4/2009-O.R.-I]

B.K. DATTA, Under.Secy.

नई दिल्ली, 25 मार्च, 2009

का.आ. 767.—केंद्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य के विरमगांम से कांडला तक पेट्रोलियम उत्पादों के परिवहन के लिए इंडियन ऑइल कॉर्पोरेशन लिमिटेड, द्वारा विरमगांम-कांडला ब्रांच पाईपलाइन बिछानी जानी चाहिये।

और, केंद्रीय सरकार को यह प्रतीत होता है कि ऐसी पाईपलाइन बिछाने के प्रयोजन के लिए ऐसी भूमि जिसके भीतर पाईपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित है, के उपयोग के अधिकार का अर्जन करना आवश्यक है।

अतः केंद्रीय सरकार पेट्रोलियम और खनिज पाईपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का उपयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है।

कोई व्यक्ति जो उक्त अनुसूची में वर्णित भूमि से हितबद्ध है, उक्त अधिनियम, की धारा 3 की उपधारा (1) के अधीन जारी की गयी अधिसूचना से युक्त भारत के राजपत्र की प्रतियाँ साधारण जनता को उपलब्ध करा दिये जाने की तारीख से इक्कीस दिनों के भीतर उसमें उपयोग के अधिकार का अर्जन या भूमि के अंदर पाईपलाइन बिछाने के संबंध में आक्षेप, लिखित रूप में सक्षम प्राधिकारी, इंडियन ऑईल कॉर्पोरेशन लिमिटेड, 3/122, गुजरात रिफाइनरी टाउनशिप, पो.ऑ. जवाहरनगर, जि. वडोदरा-391 320, गुजरात, को कर सकेगा।

अनुसूची

जिला : कच्छ

राज्य : गुजरात

तहसिल का नाम	गांव का नाम	सर्वे संख्या	क्षेत्रफल		
			हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5	6
भचाऊ	शिकारपुर	खुली जगह	1	36	26
		218	0	41	40
		110/1	0	22	70
		106	0	01	51
		109/2	0	13	17
		109/1	0	04	05
		112	0	14	25
		113	0	21	80
		114/1	0	14	95
		114/2	0	00	10
		111	0	00	74
		124	0	41	80
		125/2	0	10	10
		125/1	0	19	60
		126/2	0	28	60
		126/1	0	02	55
		127/2	0	15	40
		127/1	0	16	75
		129	0	15	40
		130/1	0	26	75
		130/2	0	00	10
		131	0	29	60
		खुली जगह	0	06	25
		133	0	05	30
		196	0	17	15
		195/1	0	61	90

1	2	3	4	5	6
		136	0	12	00
		195/2	0	12	00
		194	0	41	70
		187	0	36	30
		रोड	0	18	81
		141	0	00	15
		खुली जगह	0	42	85
		143/2	0	02	16
		रोड	0	06	30
		826	0	20	35
		827	0	00	30
		167/3	0	13	20
		167/2	0	13	90
		167/1	0	17	05
		166	0	19	25
		रोड	0	09	64
		खुली जगह	0	06	16
		153	0	15	38
		157	0	90	95
		154/2	0	07	90
		155	0	00	25
		156/1	0	16	20
		खुली जगह	0	45	51
		835	0	21	30
		868/52	0	18	70
		रेल्वे	0	09	61
		868/96	0	11	03
		खुली जगह	0	76	10
		रोड	0	04	38
		3	0	38	98
		9/1	0	12	25
		9/2	0	20	10
		10	0	16	75
		868/98	0	00	15
		खुली जगह	0	00	80
		16	0	38	20
		17	0	01	18
		13	0	00	20

1	2	3	4	5	6
		15	0	32	95
		14	0	19	20
		19	0	01	48
		22/3	0	20	90
		21/2	0	26	90
		22/1	0	17	23
		23/2	0	16	80
		21/1	0	11	75
		35/3	0	05	54
		रोड	0	07	85
		35/2	0	34	80
		34/1	0	07	16
		34/2	0	18	90
		36	0	02	17
		32/2	0	28	40
		31/2	0	17	50
		31/1	0	13	50
		29/1	0	29	80
		28/1	0	07	39
		27/2	0	00	10
	वाधिया	410	0	35	35
		423/2	0	03	97
		411	0	11	43
		422/2	0	17	88
		421/2	0	14	05
		421/1	0	12	71
		420	0	16	46
		428	0	09	51
		429	0	31	74
		438/1	0	00	27
		438/2	0	17	96
		433	0	33	70
		432/2	0	10	10
		435/1	0	15	51
		रोड	0	02	82

1	2	3	4	5	6
		572/2	0	09	23
		572/1	0	01	47
		571	0	25	50
		570	0	23	15
		569/1	0	11	80
		554	0	16	06
		556	0	15	63
		558/6	0	14	62
		558/4	0	07	56
		558/5	0	22	30
		559/2	0	01	40
		559/1	0	31	90
		1336/18	0	17	30
		रोड	0	05	01
		515/1	0	01	11
		515/2	0	17	75
		514/4	0	15	49
		513/3	0	23	15
		513/1	0	10	68
		रोड	0	04	03
		511/2	0	08	51
		511/1	0	14	90
		510	0	19	80
		रोड	0	05	74
		490/2	0	03	35
		492/2	0	19	35
		494	0	08	80
		493	0	27	29
		रोड	0	03	84
		709/3	0	00	10
		710/1	0	32	01
		710/4	0	08	22
		710/2	0	07	11
		रोड	0	03	23
		712/6	0	13	13

1	2	3	4	5	6
		718	0	10	48
		717/1	0	22	38
		720	0	19	75
		723	0	13	65
		722/4	0	28	60
		725/2	0	00	10
		722/3	0	05	09
		722/2	0	00	10
		728/2	0	09	07
		728/1	0	12	35
		रोड	0	04	69
		793/1	0	00	25
		791/3	0	16	95
		791/4	0	17	20
		791/1	0	14	09
		790/2	0	14	50
		789/2	0	32	40
		784/1	0	29	45
		784/2	0	04	99
		781/3	0	04	52
		783	0	34	98
		782/2	0	23	26
		रोड	0	04	08
		771	0	23	75
		रोड	0	03	98
	जुना कटारिया	940	0	28	07
		939	0	39	90
		खुली जगह	0	33	20
		936	0	00	10
		937	0	08	90
		934	0	18	40
		933	0	29	40
		932	0	30	60

1	2	3	4	5	6
		925	0	00	17
		रोड	0	08	80
		924/2	0	20	25
		924/1	0	15	31
	नवा कटारिया	55	0	24	30
		57/2	0	12	56
		57/1	0	00	44
		56	0	31	25
		रोड	0	05	19
		23	0	25	95
		22/1	0	34	60
		20/2	0	01	72
		21	0	21	75
		19	0	41	70
		18/1	0	00	16
		17/2	0	22	40
		17/3	0	08	91
		17/1	0	13	45
		15/1	0	15	97
		12/3	0	02	18
		12/2	0	14	70
		12/1	0	10	49
		159/1	0	01	63
		160/2	0	11	31
		160/3	0	15	15
		14	0	19	90
		148	0	14	90
		149/1	0	03	57
		159/3	0	10	32
		149/3	0	21	95
		151	0	00	10
		152	0	44	11

1	2	3	4	5	6
	ललीयाना	581	0	31	95
		579/1	0	27	07
		578	0	31	45
		615	0	12	09
		608	0	30	01
		609	0	19	54
		610	0	20	26
		607	0	21	77
		रोड	0	04	63
		15	0	46	38
		18	0	16	28
		17	0	35	69
		57	0	30	05
		59/2	0	09	29
		56	0	08	42
		59/1	0	01	63
		60	0	19	74
		61	0	23	24
		रोड	0	04	64
		94	0	35	93
		93	0	35	26
		91/2	0	18	92
		92/2	0	07	21
		89	0	26	05
		88	0	30	64
		रोड	0	02	22
		122	0	23	47
		121	0	18	31
		120	0	10	00
		123	0	00	10
		124	0	26	15
		125	0	00	10

1	2	3	4	5	6
		रोड	0	04	78
		145/1	0	27	32
		144	0	26	01
		147	0	24	69
		रोड	0	06	52
		148/1	0	52	04
		152/1	0	23	57
		153	0	63	27
		165	0	54	46
		156	0	17	59
		157	0	25	89
		158	0	14	57
	समाखियाली	499	0	03	98
		498	0	30	96
		रोड	0	03	65
		496	0	02	99
		497	0	42	43
		रोड	0	03	13
		458	0	18	95
		459	0	67	75
		456	0	00	10
		रोड	0	05	64
		407	0	39	17
		406	0	03	11
		रोड	0	03	88
		395/1	0	20	05
		394	0	21	40
		396	0	33	45
		398	0	02	57
		397	0	28	63
	छडवाडा	299	0	63	84
		308	0	32	20

1	2	3	4	5	6
		307	0	11	63
		306	0	19	10
		312	0	24	60
		313	0	07	32
		रोड	0	10	60
		362	0	20	80
		361	0	21	30
		363	0	23	02
		364	0	16	04
		357	0	38	40
		356	0	12	76
		354	0	34	40
		353/3	0	21	36
		रोड	0	02	68
		420/1	0	08	27
		419	0	18	40
		418	0	26	20
		423	0	00	10
		417/1	0	20	80
		425/1	0	27	13
		425/2	0	00	51
		426	0	38	26
		427	0	14	29
		खुली जगह	0	32	27
		470	0	19	84
		460	0	19	84
		रोड	0	36	55
		461	0	19	37
		516	0	24	77
		512	0	56	80
		514	0	02	49
		513	0	10	20
		558	0	01	09

1	2	3	4	5	6
		557	0	43	73
		556	0	32	25
		555	0	43	65
		566	0	00	10
		567	0	23	52
		रोड	0	04	33
		826	0	29	50
		827	0	56	66

[फ़. सं. आर-25011/6/2009-जी.आर.-1]

बी.के.दत्ता, अपर सचिव

New Delhi, the 25th March, 2009

S. O. 767.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of Petroleum Products from Viramgam to Kandla in the State of Gujrat, a pipeline should be laid by the Indian Oil Corporation Limited.

And whereas, it appears to the Central Government that for the purpose of laying said pipeline it is necessary to acquire the Right of User in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification.

Now, therefore in exercise of the powers conferred by sub-section (1) of section 3 of The Petroleum and Mineral Pipelines (Acquisition of Right of user in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the land described in the said schedule may within 21 days from the date on which the copies of this notification issued under sub-section (1) of the section 3 of said Act, as published in the Gazette of India are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to The Competent Authority, Indian Oil Corporation Limited, 3/122, Gujarat Refinery Township, P.O. Jawaharnagar, Dist. Vadodara-391 320 (Gujarat).

SCHEDULE

District : Kutch

State : Gujarat

Name of Tahsil	Name of Village	Survey No.	Area		
			Hectare	Acre	Sq. Mts.
1	2	3	4	5	6
BNACHAU	SHIKARPUR	OPEN LAND	1	36	28
		218	0	41	40
		110/1	0	22	70
		106	0	01	51
		109/2	0	13	17
		109/1	0	04	05
		112	0	14	25
		113	0	21	88
		114/1	0	14	88
		114/2	0	00	10
		111	0	00	74
		124	0	41	80
		125/2	0	10	10
		125/1	0	19	80
		126/2	0	28	60
		126/1	0	02	55
		127/2	0	15	40
		127/1	0	16	75
		129	0	15	40
		130/1	0	28	75
		130/2	0	00	10
		131	0	29	60
		OPEN LAND	0	06	25
		133	0	05	30
		198	0	17	15
		195/1	0	61	90
		198	0	12	00
		195/2	0	12	00

1	2	3	4	5	6
		184	0	41	70
		187	0	36	30
		ROAD	0	18	81
		141	0	00	18
		OPEN LAND	0	42	85
		1432	0	02	18
		ROAD	0	06	30
		826	0	20	35
		827	0	00	30
		187/3	0	13	20
		187/2	0	13	90
		187/1	0	17	05
		188	0	19	25
		ROAD	0	09	64
		OPEN LAND	0	06	15
		153	0	15	38
		157	0	90	95
		154/2	0	07	90
		155	0	00	25
		158/1	0	16	20
		OPEN LAND	0	45	51
		825	0	21	30
		825/2	0	18	70
		RAILWAY	0	09	61
		825/3	0	11	03
		OPEN LAND	0	76	10
		ROAD	0	04	38
		3	0	38	98
		9/1	0	12	25
		9/2	0	20	10
		19	0	16	75
		825/3	0	00	15
		OPEN LAND	0	00	80

1	2	3	4	5	6
		16	0	38	20
		17	0	01	18
		13	0	00	20
		15	0	32	95
		14	0	19	20
		19	0	01	48
		22/3	0	20	90
		21/2	0	28	90
		22/1	0	17	23
		23/2	0	16	80
		21/1	0	11	75
		35/3	0	05	54
		ROAD	0	07	85
		35/2	0	34	80
		34/1	0	07	16
		34/2	0	18	90
		36	0	02	17
		32/2	0	28	40
		31/2	0	17	50
		31/1	0	13	50
		29/1	0	29	80
		28/1	0	07	39
		27/2	0	00	10
	VANDHIYA	410	0	35	35
		423/2	0	03	97
		411	0	11	43
		422/2	0	17	88
		421/2	0	14	05
		421/1	0	12	71
		420	0	16	46
		428	0	09	51
		429	0	31	74
		438/1	0	00	27

1	2	3	4	5	6
		438/2	0	17	96
		433	0	33	70
		432/2	0	10	10
		435/1	0	15	51
		ROAD	0	02	82
		572/2	0	09	23
		572/1	0	01	47
		571	0	25	50
		570	0	23	15
		569/1	0	11	80
		554	0	16	06
		556	0	15	63
		558/3	0	14	62
		558/4	0	07	56
		558/5	0	22	30
		558/2	0	01	40
		558/1	0	31	90
		1338/18	0	17	30
		ROAD	0	05	01
		515/1	0	01	11
		515/2	0	17	75
		514/4	0	15	49
		513/3	0	23	15
		513/1	0	10	68
		ROAD	0	04	03
		511/2	0	08	51
		511/1	0	14	90
		510	0	19	80
		ROAD	0	05	74
		490/2	0	03	35
		492/2	0	19	35
		494	0	08	80
		493	0	27	29

1	2	3	4	5	6
		ROAD	0	03	84
		709/3	0	00	10
		710/1	0	32	01
		710/4	0	08	22
		710/2	0	07	11
		ROAD	0	03	23
		712/8	0	13	13
		718	0	10	48
		717/1	0	22	38
		720	0	19	75
		723	0	13	65
		722/4	0	28	60
		725/2	0	00	10
		722/3	0	05	09
		722/2	0	00	10
		728/2	0	09	07
		728/1	0	12	35
		ROAD	0	04	69
		793/1	0	00	25
		791/3	0	16	95
		791/4	0	17	20
		791/1	0	14	09
		790/2	0	14	50
		789/2	0	32	40
		784/1	0	29	45
		784/2	0	04	99
		781/3	0	04	52
		783	0	34	98
		782/2	0	23	26
		ROAD	0	04	08
		771	0	23	75
		ROAD	0	03	98
JUNA KATARIYA		940	0	28	07

1	2	3	4	5	6
		000	0	39	90
		OPEN LAND	0	33	20
		000	0	00	10
		007	0	08	90
		004	0	18	40
		000	0	28	40
		002	0	30	60
		005	0	00	17
		ROAD	0	09	60
		0002	0	20	25
		0003	0	15	31
NAVA KATARIYA		55	0	24	30
		57/2	0	12	58
		57/1	0	00	44
		58	0	31	25
		ROAD	0	05	19
		22	0	25	95
		22/1	0	34	60
		20/2	0	01	72
		21	0	21	75
		19	0	41	70
		18/1	0	00	16
		17/2	0	22	40
		17/3	0	08	91
		17/4	0	13	45
		16/1	0	15	97
		12/3	0	02	18
		12/2	0	14	70
		12/1	0	10	49
		100/1	0	01	63
		100/2	0	11	31
		100/3	0	15	15
		14	0	19	90

1	2	3	4	5	6
		148	0	14	90
		149/1	0	03	57
		159/3	0	10	32
		149/3	0	21	95
		151	0	00	10
		152	0	44	11
	LALIYANA	581	0	31	95
		579/1	0	27	07
		578	0	31	45
		615	0	12	09
		608	0	30	01
		609	0	19	54
		610	0	20	26
		607	0	21	77
		ROAD	0	04	63
		15	0	46	38
		18	0	16	28
		17	0	35	69
		57	0	30	05
		59/2	0	09	29
		56	0	08	42
		59/1	0	01	63
		60	0	19	74
		61	0	23	24
		ROAD	0	04	64
		94	0	35	93
		93	0	35	26
		91/2	0	18	92
		92/2	0	07	21
		89	0	26	05
		88	0	30	64
		ROAD	0	02	22
		122	0	23	47

1	2	3	4	5	6
		121	0	18	31
		120	0	10	00
		123	0	00	10
		124	0	26	15
		125	0	00	10
		ROAD	0	04	78
		145/1	0	27	32
		144	0	26	01
		147	0	24	69
		ROAD	0	06	52
		148/1	0	52	04
		152/1	0	23	57
		153	0	63	27
		155	0	54	46
		156	0	17	59
		157	0	25	69
		158	0	14	57
SAMAKHIALI		459	0	03	96
		458	0	30	96
		ROAD	0	03	65
		456	0	02	96
		457	0	42	43
		ROAD	0	03	13
		458	0	18	95
		459	0	67	75
		456	0	00	10
		ROAD	0	05	64
		457	0	39	17
		458	0	03	11
		ROAD	0	03	88
		395/1	0	20	05
		394	0	21	40
		395	0	33	45

1	2	3	4	5	6
		398	0	02	57
		397	0	28	63
	CHHADWADA	299	0	63	84
		308	0	32	20
		307	0	11	63
		306	0	19	10
		312	0	24	60
		313	0	07	32
		ROAD	0	10	60
		362	0	20	80
		361	0	21	30
		363	0	23	02
		364	0	16	04
		357	0	38	40
		356	0	12	76
		354	0	34	40
		353/3	0	21	36
		ROAD	0	02	68
		420/1	0	08	27
		419	0	18	40
		418	0	26	20
		423	0	00	10
		417/1	0	20	80
		425/1	0	27	13
		425/2	0	00	51
		426	0	38	26
		427	0	14	29
		OPEN LAND	0	32	27
		470	0	19	84
		460	0	19	84
		ROAD	0	36	55
		481	0	19	37
		516	0	24	77

1	2	3	4	5	6
		512	0	56	80
		514	0	02	49
		513	0	10	20
		558	0	01	09
		557	0	43	73
		558	0	32	25
		555	0	43	65
		556	0	00	10
		557	0	23	52
		ROAD	0	04	33
		826	0	29	50
		827	0	56	68

[F. No. R-25011/8/2009-O.R.-I]

B.K. DATTA, Under Secy.

नई दिल्ली, 25 मार्च, 2009

क्र. अ. 762.—केंद्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य के विरमगाँम से कोंडला तक पेट्रोलेियम उत्पादों के परिवहन के लिए इंडियन ऑईल कॉर्पोरेशन लिमिटेड, द्वारा विरमगाँम-कोंडला बीच पाईपलाइन बिछानी जानी चाहिये।

और, केंद्रीय सरकार को यह प्रतीत होता है कि ऐसी पाईपलाइन बिछाने के प्रयोजन के लिए ऐसी भूमि जिसके भीतर पाईपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से उपाकृष्ट अनुसूची में वर्णित है, के उपयोग के अधिकार का अर्जन करना आवश्यक है।

अतः केंद्रीय सरकार पेट्रोलेियम और खनिज पाईपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का उपयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आदेश की घोषणा करती है।

कोई व्यक्ति जो उक्त अनुसूची में वर्णित भूमि से हिसाबद्ध है, उक्त अधिनियम, की धारा 3 की उपधारा (1) के अधीन जारी की गयी अधिसूचना से उक्त भारत के राजपत्र की प्रतियाँ साधारण जनता को उपलब्ध करा दिये जाने की तारीख से इक्कीस दिनों के भीतर उसमें उपयोग के अधिकार का अर्जन या भूमि के अंदर पाईपलाइन बिछाने के संबंध में आक्षेप, लिखित रूप में सक्षम प्राधिकारी, इंडियन ऑईल कॉर्पोरेशन लिमिटेड, 3/122, गुजरात रिफाइनरी टर्मिनल, पो.आ. जवाहरनगर, जि. वडोदरा-391 320, गुजरात, को कर सकेगा।

अनुसूची

जिला : राजकोट

राज्य : गुजरात

वहिसत का नाम	गांव का नाम	सर्वे संख्या	क्षेत्रफल		
			हेक्टेयर	एकर	वर्ग मीटर
1	2	3	4	5	6
मालीवा	रोहीशाला	95	0	24	51
		रोड	0	3	16
		96	0	12	75
		58	0	8	66
		57	0	32	75
		56/1	0	5	11
		रोड	0	5	73
		59	0	0	10
	खाखरेची	रोड	0	13	78
		233	0	23	24
		234	0	00	50
		232	0	09	42
		231	0	29	82
		217	0	03	26
		218	0	44	82
		219	0	07	41
		220	0	28	97
		221	0	23	97
		225	0	18	57
		224	0	32	87
		रोड	0	05	36
		183	0	28	40
		187	0	12	41
		188	0	48	67
		189	0	02	42
		रोड	0	03	27
		178	0	20	09
		177	0	41	60
		खुली जगह	0	13	91

1	2	3	4	5	6
		167	0	17	05
		168	0	13	51
		169	0	07	10
		164	0	07	07
		156	0	14	00
		151	0	35	20
		152	0	01	35
		146	0	04	63
		153	0	25	95
		143	0	11	12
		144	0	05	46
		140	0	08	32
		नदी	0	18	65
मानस		23	0	00	19
		24	0	36	31
		25	0	00	27
		36	0	11	60
		38	0	29	43
		39	0	03	14
		52	0	08	76
		51	0	10	44
		50	0	11	17
		49	0	11	66
		48	0	11	11
		42	0	05	97
		45	0	17	39
		44	0	03	34
		रोड	0	02	72
		74	0	55	22
		रोड	0	05	76
		66	0	02	18
		67	0	26	76
		66	0	25	67
		रोड	0	03	87
		65	0	21	03

1	2	3	4	5	6
	वाधरवा	284	0	27	40
		285	0	22	26
		281	0	11	88
		260	0	07	22
		253	0	18	76
		252	0	15	36
		246	0	17	48
		245	0	13	23
		244	0	08	21
		243	0	00	10
		रोड	0	04	75
		271	0	19	59
		272	0	14	49
		273	0	26	22
		रोड	0	05	46
		334	0	56	07
		335	0	00	10
		333	0	00	10
		खुली जगह	0	05	99
		350	0	39	93
		351	0	00	10
		349	0	33	34
		खुली जगह	0	79	16
		359	0	64	13
		389	0	44	22
		390	0	00	10
		406	0	00	10
		405	0	29	81
		404	0	27	09
		403/2	0	11	74
		403/1	0	17	81
		401	0	01	95
		400	0	21	16
		396	0	00	25

1	2	3	4	5	6
		397	0	19	08
		399	0	07	18
		398	0	40	74
	खिराई	रोड	0	00	20
		14/2	0	21	42
		15	0	00	10
		रोड	0	07	60
		100/1	0	49	20
		108	0	01	37
		170	0	19	40
		171/4	0	14	60
		171/3	0	15	74
		171/2	0	09	01
		171/1	0	11	85
		172	0	01	97
		173	0	32	30
		174	0	24	32
		रोड	0	04	97
		9	0	00	46
		4/1	0	05	13
		4/2	0	08	47
		4/3	0	10	95
		3	0	60	90
		2	0	03	33
		1/1	0	08	99
		रोड	0	03	23
		82/2	0	39	66
		82/1	0	03	17
		सुली बगह	0	35	40
		84	0	12	29
		सुली बगह	0	63	10
		88	0	00	10
		रोड	0	04	54

1	2	3	4	5	6
	मालीया	649	0	26	87
		647	0	02	09
		नाला	0	16	52
		646	0	07	55
		651	0	08	76
		652	0	30	05
		654	0	20	40
		655	0	00	10
		रोड	0	01	94
		665	0	45	60
		664	0	00	10
		669	0	00	10
		नाला	0	11	75
		816	0	01	88
		817	0	00	10
		815	0	24	80
		814	0	18	30
		823	0	00	25
		813	0	19	20
		812	0	00	10
		खुली जगह	0	25	40
		रोड	0	02	84
		825	0	28	95
		837	0	24	35
		838	0	23	95
		835	0	04	14
		840	0	28	92
		834	0	02	81
		रोड	0	01	86
		982	0	07	66
		983	0	24	80
		987	0	20	20
		रोड	0	01	89

1	2	3	4	5	6
		978	0	10	29
		988	0	20	87
		977	0	13	64
		989	0	26	25
		1179	0	19	28
		1178	0	15	27
		1177	0	16	71
		1156	0	19	94
		1164	0	14	05
		1165	0	11	87
		1166	0	05	79
		1167	0	20	88
		रोड	0	04	49
		1539	0	00	94
		1538	0	05	88
		1537	0	47	97
		1536	0	13	73
		नाला	0	51	38
		1548	0	04	05
		1549	0	00	10
		1532	0	00	10
		1531	0	20	81
		1514	0	46	83
	हरीपर	नाला	0	20	95
		105	0	23	75
		101	0	18	81
		103	0	02	89
		102	0	29	00
		रोड	0	04	60
		72	0	14	01
		73	0	19	90
		74	0	17	16
		70	0	05	23

1	2	3	4	5	6
		68	0	24	09
		खुली जगह	0	30	24
		36	0	08	82
		35	0	12	89
		34	0	17	29
		खुली जगह	0	12	29

[फा. सं. आर-25011/5/2009-ओ.आर.-I]

बी.के.दत्ता, अवर सचिव

New Delhi, the 25th March, 2009

S. O. 768.— Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of Petroleum Products from Viramgam to Kandla in the State of Gujarat, a pipeline should be laid by the Indian Oil Corporation Limited.

And whereas, it appears to the Central Government that for the purpose of laying said pipeline it is necessary to acquire the Right of User in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification.

Now, therefore in exercise of the powers conferred by sub-section (1) of section 3 of The Petroleum and Mineral Pipelines (Acquisition of Right of user in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the land described in the said schedule may within 21 days from the date on which the copies of this notification issued under sub-section (1) of the section 3 of said Act, as published in the Gazette of India are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to The Competent Authority, Indian Oil Corporation Limited, 3/122, Gujarat Refinery Township, P.O. Jawaharnagar, Dist. Vadodara-391 320 (Gujarat).

SCHEDULE**District : Rajkot****State : Gujarat**

Name of Tahsil	Name of Village	Survey No.	Area		
			Hectare	Are	Sq. Mtr.
1	2	3	4	5	6
MALIYA	ROHISHALA	95	0	24	51
		ROAD	0	3	16
		96	0	12	75
		58	0	8	66
		57	0	32	75
		56/1	0	5	11
		ROAD	0	5	73
		59	0	0	10
	KHAKHARECHI	ROAD	0	13	78
		233	0	23	24
		234	0	00	50
		232	0	09	42
		231	0	29	82
		217	0	03	26
		218	0	44	82
		219	0	07	41
		220	0	28	97
		221	0	23	97
		225	0	18	57
		224	0	32	87
		ROAD	0	05	36
		183	0	28	40
		187	0	12	41
		188	0	48	67
		189	0	02	42
		ROAD	0	03	27
		178	0	23	09
		177	0	41	60

1	2	3	4	5	6
		OPEN LAND	0	13	91
		73	0	20	01
		74	0	53	29
		75	0	00	14
		79	0	29	37
		78	0	35	24
		OPEN LAND	0	53	89
		36	0	02	44
		38	0	09	19
		40	0	13	92
		41	0	11	14
		42	0	01	28
		OPEN LAND	0	62	85
		37	0	04	03
		44	0	28	57
		45	0	14	45
		ROAD	0	06	47
		1474	0	00	10
		1475	0	13	71
		1476	0	07	88
		OPEN LAND	0	14	03
		ROAD	0	04	87
		1484	0	31	17
		1483	0	27	00
		ROAD	0	05	74
		1502	0	14	41
		1500	0	00	10
		1501	0	43	46
		1503	0	26	94
		1498	0	00	10
		1504	0	06	40
		1505	0	12	43
		1506	0	29	55
		1507	0	13	95

1	2	3	4	5	6
		RAILWAY LINE	0	08	57
		1413	0	27	98
		1390	0	27	50
		1401	0	18	14
		1394	0	24	52
		1399	0	26	91
		1398	0	16	27
		1397	0	29	01
		OPEN LAND	0	82	70
		1352	0	07	48
		1351	0	05	87
		1350	0	06	12
		1248	0	13	41
		1247	0	17	90
		1244	0	02	87
		1245	0	16	54
		1246	0	30	73
		ROAD	0	08	49
		1150	0	00	82
		1149	0	20	43
		1148	0	49	58
		1146	0	37	89
		1144	0	21	40
		1623	0	00	10
		1143	0	00	10
		1141	0	17	35
		1140	0	22	80
		1139	0	01	19
		1137	0	34	51
		1132	0	17	14
		1131	0	29	74
		1130	0	00	17
		OPEN LAND	1	11	05
SULTANPUR		ROAD	0	00	43

1	2	3	4	5	6
		170	0	03	34
		169	0	34	00
		168	0	13	90
		167	0	17	05
		166	0	13	51
		165	0	07	10
		164	0	07	07
		150	0	14	00
		151	0	35	20
		152	0	01	35
		146	0	04	63
		153	0	25	95
		143	0	11	12
		144	0	05	46
		145	0	08	32
		RIVER	0	18	65
	MANABA	23	0	00	10
		24	0	36	31
		25	0	00	27
		36	0	11	60
		38	0	29	43
		39	0	03	14
		52	0	08	76
		51	0	10	44
		50	0	11	17
		49	0	11	66
		48	0	11	11
		42	0	05	97
		45	0	17	39
		44	0	03	34
		ROAD	0	02	72
		74	0	55	22
		ROAD	0	05	76
		68	0	02	18

1	2	3	4	5	6
		67	0	26	76
		66	0	25	67
		ROAD	0	03	87
		65	0	21	03
	WADHARWA	264	0	27	40
		265	0	22	26
		261	0	11	88
		260	0	07	22
		253	0	18	76
		252	0	15	36
		246	0	17	48
		245	0	13	23
		244	0	08	21
		243	0	00	10
		ROAD	0	04	75
		271	0	19	59
		272	0	14	49
		273	0	26	22
		ROAD	0	05	46
		334	0	56	07
		335	0	00	10
		333	0	00	10
		OPEN LAND	0	05	99
		350	0	39	93
		351	0	00	10
		349	0	33	34
		OPEN LAND	0	79	16
		359	0	64	13
		389	0	44	22
		390	0	00	10
		406	0	00	10
		405	0	29	81
		404	0	27	09
		403/2	0	11	74

1	2	3	4	5	6
		403/1	0	17	81
		401	0	01	95
		400	0	21	16
		396	0	00	25
		397	0	19	06
		399	0	07	18
		398	0	40	74
	KHIRAI	ROAD	0	00	20
		14/2	0	21	42
		15	0	00	10
		ROAD	0	07	60
		169/1	0	49	20
		168	0	01	37
		170	0	19	40
		171/4	0	14	60
		171/3	0	15	74
		171/2	0	09	01
		171/1	0	11	85
		172	0	01	97
		173	0	32	30
		174	0	24	32
		ROAD	0	04	97
		9	0	00	45
		4/1	0	05	13
		4/2	0	08	47
		4/3	0	10	95
		3	0	60	90
		2	0	03	33
		1/1	0	08	99
		ROAD	0	03	23
		82/2	0	39	66
		82/1	0	03	17
		OPEN LAND	0	35	40
		84	0	12	29

1	2	3	4	5	6
		OPEN LAND	0	63	10
		88	0	00	10
	MALIYA	ROAD	0	04	54
		649	0	26	87
		647	0	02	09
		NALA	0	16	52
		646	0	07	55
		651	0	08	76
		652	0	30	05
		654	0	20	40
		655	0	00	10
		ROAD	0	01	94
		665	0	45	60
		664	0	00	10
		669	0	00	10
		NALA	0	11	75
		816	0	01	88
		817	0	00	10
		815	0	24	80
		814	0	18	30
		823	0	00	25
		813	0	19	20
		812	0	00	10
		OPEN LAND	0	25	40
		ROAD	0	02	84
		825	0	28	95
		837	0	24	35
		838	0	23	95
		835	0	04	14
		840	0	28	92
		834	0	02	81
		ROAD	0	01	86
		982	0	07	66
		983	0	24	80

1	2	3	4	5	6
		987	0	20	20
		ROAD	0	01	89
		978	0	10	29
		988	0	20	87
		977	0	13	64
		989	0	26	25
		1179	0	19	28
		1178	0	15	27
		1177	0	16	71
		1156	0	19	94
		1164	0	14	05
		1165	0	11	87
		1166	0	05	79
		1167	0	20	88
		ROAD	0	04	49
		1539	0	00	94
		1538	0	05	88
		1537	0	47	97
		1536	0	13	73
		NALA	0	51	38
		1548	0	04	05
		1549	0	00	10
		1532	0	00	10
		1531	0	20	81
		1514	0	46	83
	HARIPAR	NALA	0	20	95
		105	0	23	75
		101	0	18	81
		103	0	02	89
		102	0	29	00
		ROAD	0	04	60
		72	0	14	01
		73	0	19	90
		74	0	17	16

1	2	3	4	5	6
		70	0	05	23
		68	0	24	09
		OPEN LAND	0	30	24
		36	0	08	82
		35	0	12	89
		34	0	17	29
		OPEN LAND	0	12	29

[F. No. R-25011/5/2009-O.R.-I]

B.K. DATTA, Under Secy.

नई दिल्ली, 25 मार्च, 2009

का. आ. 769.—केंद्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य के विरमगांम से कांडला तक पेट्रोलियम उत्पादों के परिवहन के लिए इंडियन ऑईल कॉर्पोरेशन लिमिटेड, द्वारा विरमगांम-कांडला ब्रांच पाईपलाइन बिछानी जानी चाहिये ।

और, केंद्रीय सरकार को यह प्रतीत होता है कि ऐसी पाईपलाइन बिछाने के प्रयोजन के लिए ऐसी भूमि जिसके भीतर पाईपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित है, के उपयोग के अधिकार का अर्जन करना आवश्यक है ।

अतः केंद्रीय सरकार पेट्रोलियम और खनिज पाईपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का उपयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ।

कोई व्यक्ति जो उक्त अनुसूची में वर्णित भूमि से हितबद्ध है, उक्त अधिनियम, की धारा 3 की उपधारा (1) के अधीन जारी की गयी अधिसूचना से युक्त भारत के राजपत्र की प्रतियां साधारण जनता को उपलब्ध करा दिये जाने की तारीख से इक्कीस दिनों के भीतर उसमें उपयोग के अधिकार का अर्जन या भूमि के अंदर पाईपलाइन बिछाने के संबंध में आक्षेप, लिखित रूप में सक्षम प्राधिकारी, इंडियन ऑईल कॉर्पोरेशन लिमिटेड, 3/122, गुजरात रिफाइनरी टाउनशिप, पो.ऑ. जवाहरनगर, जि. वडोदरा-391 320, गुजरात, को कर सकेगा ।

अनुसूची

जिला : सुरेन्द्रनगर

राज्य : गुजरात

तहसिल का नाम	गांव का नाम	सर्वे संख्या	क्षेत्रफल		
			हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5	6
दसाडा	मोठी मजीठी	613	0	54	71
		617	0	35	73
		618	0	21	23
		638	0	37	62
		686	0	59	80
		667/1	0	20	07
		667/2	0	00	44
		668	0	02	93
		666	0	16	76
		664	0	08	33
		662	0	11	90
		658	0	11	06
		659	0	03	52
		654	0	12	38
		रोड	0	03	40
		691	0	20	37
		726	0	27	54
		692	0	13	50
		690	0	16	34
		689	0	13	23
		734	0	27	42
		735	0	17	00
		रोड	0	07	22
		5	0	20	15
		रोड	0	02	82
		55	0	00	10
		57	0	16	58
		56	0	20	08
		रोड	0	02	41

1	2	3	4	5	6
		59	0	17	16
		खुली जगह	0	00	56
		88	0	00	10
		87	0	08	48
		रोड	0	02	71
		102	0	19	54
		92	0	05	86
		96	0	10	08
		99	0	23	83
		98	0	33	70
		रोड	0	04	02
		205	0	14	37
		203	0	01	13
		204	0	27	80
		202	0	00	10
		209	0	22	33
		197	0	51	80
		रोड	0	05	75
	नानी मजीठी	79	0	25	95
		78	0	11	92
		77	0	01	22
		83	0	12	44
		84	0	08	13
		85	0	08	78
		91	0	06	27
		90	0	17	15
		100	0	14	02
		101	0	15	97
		102	0	18	34
		103	0	21	08
		104	0	18	57
		105	0	14	37
		111	0	24	22
		110	0	00	38
		114	0	00	10

1	2	3	4	5	6
		115	0	08	11
		116	0	18	74
		117	0	11	06
		रोड	0	07	62
		124	0	23	05
		119	0	19	68
		118	0	25	10
		120	0	00	10
		रोड	0	03	71
	नाना गोरैय्या	106	0	00	10
		105	0	51	05
		122	0	51	61
		104	0	00	10
		99	1	29	90
		123	0	25	56
		77	0	32	90
		76	0	30	05
		73	0	32	33
		72	0	24	05
		74/1	0	18	85
		71	0	00	10
		नाला	0	07	77
	कछोलिया	440/3	0	54	37
		440/8	0	20	51
		रोड	0	11	02
		214	0	39	40
		215	0	00	98
		221	0	00	55
		220	0	57	25
		रोड	0	04	09
		440/2	0	00	10
	बजाना	खुली जगह	1	58	10
		520	0	00	10
		512	0	15	06
		रोड	0	03	56

1	2	3	4	5	6
		510	0	14	44
		493	0	24	04
		494	0	19	14
		496	0	33	80
		486	0	29	18
		485	0	24	78
		498	0	10	34
		रोड	0	09	19
		387	0	38	30
		386	0	25	48
		389	0	28	77
		412	0	30	32
		रोड	0	03	33
		394	0	23	81
		393	0	15	54
		392	0	27	52
		खुली जगह	0	12	42
		312	0	51	90
		रोड	0	04	24
		207	0	22	63
		208	0	18	92
		खुली जगह	0	28	15
		174	0	16	49
		173	0	29	94
		172	0	00	10
		रोड	0	07	49
	मालवन	खुली जगह	0	38	31
		133	0	44	70
		393	0	48	70
		134	0	14	19
		135	0	09	71
		136	0	27	20
		167	0	34	93
		166	0	31	17
		163	0	30	15

1	2	3	4	5	6
		162	0	10	52
		161	0	16	18
		खुली जगह	0	02	52
		197/1	0	42	50
		205	0	12	14
		201	0	10	51
		202	0	03	32
		203	0	38	45
		रोड	0	05	01
		270	0	12	04
		268	0	51	20
		266	0	41	55
		312	0	22	47
		रोड	0	03	02
		313	0	15	56
		314	0	45	90
		346	0	28	51
		347	0	00	10
		348	0	28	65
		344	0	19	15
		रोड	0	08	42
		407	0	01	38
		413	0	25	45
		411	0	20	65
		412	0	11	25
		634/9	0	12	46
		खुली जगह	0	15	75
		391	0	01	76
		390	0	16	35
		खुली जगह	0	04	20
	पिपली	नाला	0	05	70
		खुली जगह	0	72	05
		67	0	37	22
		75	0	14	82

1	2	3	4	5	6
		74	0	01	10
		76	0	13	94
		73	0	12	61
		78	0	07	10
		80	0	14	50
		81	0	02	63
		82	0	12	67
		87	0	35	96
		91	0	17	93
		92	0	01	15
		90	0	33	65
		खुली जगह	0	22	31
		181	0	23	56
		रोड	0	06	83
		136	0	37	20
		137	0	03	54
		खुली जगह	0	64	23
		275	0	25	37
		405	0	12	25
		403	0	00	10
		404	0	35	65
		406	0	00	26
		408	0	13	68
		409	0	10	12
		410	0	06	42
		रोड	0	04	05
		427	0	24	96
		426	0	03	57
		424	0	25	57
		423	0	16	40
		रोड	0	06	04
		610	0	45	25
		619	0	50	85

1	2	3	4	5	6
		रोड	0	13	78
		726	0	27	39
		742	0	40	15
		743	0	38	15
		748	0	00	10
		749	0	21	82
		755	0	31	62
		756	0	30	09
		765	0	12	90
		766	0	11	76
		767	0	03	65
		खुली जगह	0	26	82
		958	0	28	95
		956	0	08	37
		955	0	27	99
		खुली जगह	0	24	29
		924	0	17	26
		925	0	19	07
		खुली जगह	0	07	17
		904	0	20	20
		905	0	23	60
		907	0	02	32
		906	0	10	96
		898	0	26	46
		897	0	12	80
		896	0	00	10
		खुली जगह	0	40	15
		910	0	13	75
		909	0	10	87
	अखीयाना	खुली जगह	0	18	20
		134	0	28	19
		खुली जगह	0	26	25
		135	0	09	14

1	2	3	4	5	6
		127	0	27	10
		128	0	19	12
		129	0	14	98
घांगघा	धुमत	रोड	0	01	65
		347	0	18	49
		372	0	13	70
		373	0	12	15
		366	0	26	41
		367	0	17	96
		365	0	15	16
		362	0	07	42
		364	0	00	10
		363	0	05	40
		360	0	28	96
		359	0	13	55
		386	0	00	40
		311	0	05	74
		388	0	01	42
		389	0	10	10
		390	0	10	44
		391	0	49	52
		393	0	07	36
		392	0	24	02
		309	0	00	10
		304	0	48	79
		303	0	30	95
		रोड	0	03	71
		431	0	30	90
		432	0	03	51
		461	0	10	07
		462	0	47	22
		483	0	00	41
		704	0	53	04
		483	0	23	30

1	2	3	4	5	6
		484	0	19	42
		486	0	04	67
		485	0	42	89
		481	0	15	47
		रोड	0	07	40
		496	0	12	28
		497/2	0	06	81
		497/1	0	28	30
		498	0	01	41
		499	0	13	75
		564	0	18	35
		563	0	16	25
		560	0	01	25
		561/1	0	35	34
		561/2	0	01	64
		558	0	12	31
		रोड	0	04	45
		583	0	45	65
		584	0	41	00
		585	0	19	67
		रोड	0	09	48
		602	0	05	61
		603	0	11	09
		604	0	33	03
		605	0	04	06
		खुली जगह	0	11	87
		607	0	14	96
		606	0	00	10
		608	0	34	43
		609	0	22	48
	वसाडवा	386	0	00	10
		400	0	08	10
		401	0	09	80

1	2	3	4	5	6
		नदी	0	38	30
		7	0	09	80
		8	0	24	91
		रोड	0	03	91
		12	0	20	15
		13	0	05	30
		14	0	27	02
		17	0	01	30
		18	0	07	85
		15	0	42	72
		40	0	01	75
	भराडा	1076/1	0	00	20
		खुली जगह	0	86	25
		1076/2	0	02	59
		1072	0	08	87
		1071	0	06	74
		1070	0	09	60
		1069	0	10	07
		1037	0	26	75
		1038	0	44	66
		रोड	0	06	98
		1042	0	10	12
		1040	0	21	72
		रोड	0	08	06
		1023	0	16	91
		1137/1/16	1	71	89
		रोड	0	05	12
		1020	0	15	91
		1019	0	13	11
		1018	0	07	23
		983	0	01	46
		रोड	0	03	18
		870/1	0	41	95

1	2	3	4	5	6
		870/2	0	26	35
		871	0	08	03
		872	0	11	24
		876	0	00	74
		877	0	12	10
		869	0	99	95
		867/1	0	16	52
		883	0	19	50
		खुली जगह	1	26	85
		828	0	24	03
		827	0	20	29
		826	0	10	98
		825	0	26	91
		824	0	26	80
		821	0	16	42
		रोड	0	02	53
		795	0	01	37
		796	0	27	25
		801	0	20	95
		802	0	14	96
		803	0	19	12
		806	0	01	78
		807	0	09	07
		812	0	00	23
		808	0	12	28
		809	0	19	01
		810	0	14	76
		811	0	13	10
		रोड	0	00	73
	मालवन	रोड	0	05	76
		932	0	19	49
		931/2	0	07	16
		930	0	09	46
		928	0	13	87

1	2	3	4	5	6
		927	0	35	54
		926	0	26	76
		915	0	00	10
		916	0	32	08
		914	0	08	77
		913	0	19	54
		917	0	23	99
		रोड	0	02	46
		906	0	83	85
		904	0	11	46
		905/1	0	12	33
		905/2	0	08	75
		886	0	00	10
		885	0	00	10
	वावडी	119	0	14	88
		192	0	42	72
		194	0	26	15
		195	0	07	85
		196	0	24	91
		197	0	26	16
		200	0	10	18
		202	0	57	14
		208	0	00	16
		खुली जगह	0	38	34
		नदी	0	33	86
		210	0	00	10
		213	0	46	76
		212	0	26	51
		219	0	00	10
		220	0	00	10
		रोड	0	04	63
		221	0	18	75
		222	0	45	51

1	2	3	4	5	6
		225	0	13	29
		226	0	20	59
		233	0	15	19
		232	0	16	99
		234	0	24	70
		539	0	01	27
		235	0	45	37
		270	0	13	39
		272	0	12	66
		273	0	24	10
		281	0	16	90
		282	0	13	94
		283	0	18	91
		284	0	08	85
		285	0	00	17
		286	0	14	01
		287	0	30	67
		रोड	0	06	11
		312	0	03	23
		313	0	21	16
		314	0	04	33
		315	0	28	25
		317	0	28	32
		318	0	09	29
		319	0	09	37
		322	0	43	35
		323	0	00	10
		रोड	0	03	01
		321	0	12	01
		343	0	57	15
		344	0	42	41
		348	0	11	45
		337	0	24	72
		रोड	0	02	45

1	2	3	4	5	6
		349	0	02	39
		खुली जगह	0	32	35
	जेसडा	नला	0	06	05
		404	0	06	71
		400	0	40	94
		398	0	15	16
		390	0	04	83
		399	0	16	58
		रोड	0	02	23
		381	0	21	46
		386	0	12	18
		385	0	20	03
		384	0	21	29
		383	0	20	56
		381	0	12	66
	बिरेन्द्रगढ़	152	0	36	88
		खुली जगह	0	30	80
		163	0	13	72
		167	0	28	79
		168	0	17	04
		169	0	18	13
		173	0	15	10
		172	0	25	60
		195	0	09	19
		196	0	22	17
		199	0	30	12
		198	0	00	10
		खुली जगह	0	07	69
		214	0	48	76
		220/1	0	05	80
		231	0	06	32
		226	0	22	90
		228	0	13	67

1	2	3	4	5	6
		खुली जगह	0	01	93
		229	0	00	83
		खुली जगह	0	01	17
		279/1	0	07	82
		278	0	00	87
		280	0	09	27
		281	0	10	93
		282	0	20	65
		283	0	05	04
		खुली जगह	0	24	61
		295	0	34	25
		299	0	26	23
		298	0	11	66
		रोड	0	04	70
		326	0	14	74
		325	0	17	37
		323	0	04	50
		324	0	10	25
		रेल्वे	0	07	52
		334	0	31	30
		333	0	31	78
		347	0	39	59
		रोड	0	02	36
		359	0	19	48
		361	0	11	40
		362	0	08	92
		खुली जगह	0	10	06
		नदी	0	20	14
	सत्तापर	खुली जगह	0	15	14
		168/1/3	0	19	31
		रोड	0	04	83
		21	0	35	45
		29	0	16	64

1	2	3	4	5	6
		30	0	18	65
		रोड	0	02	00
		31	0	66	90
		31/2	0	00	10
		68	0	00	10
		69	0	26	27
		67	0	13	05
		66	0	12	79
		70	0	28	49
		72	0	20	82
		73	0	17	08
		74	0	46	50
		75	0	37	75
		76	0	26	02
		77	0	35	74
		113	0	00	10
		112	0	02	49
		78	0	11	99
		82	0	06	74
		83	0	14	28
		84	0	38	40
		96	0	04	25
		85	0	14	77
		95	0	18	90
		91	0	32	80
		89	0	07	44
		90	0	13	17
		92	0	23	98
	जसमतपूर	165	0	19	34
		164	0	09	26
		162	0	27	65
		161	0	08	87
		158	0	05	63
		157	0	09	49

1	2	3	4	5	6
		139	0	22	75
		141	0	11	09
		142	0	26	05
		143	0	04	08
		154	0	00	10
		153	0	14	44
		152	0	21	84
		खुली जगह	1	01	00
		149	0	23	34
		251	0	00	10
		258	0	28	19
		409/3	0	00	10
		409/2	0	00	10
		267	0	26	18
		268	0	18	10
		408/1	0	00	10
		414	0	69	50
		345/2	0	16	46
		345/1	0	18	04
		344	0	01	64
		343	0	13	87
		342	0	16	64
		रोड	0	03	79
		341	0	17	72
		340	0	15	95
	कंकावटी	276	0	15	77
		275	0	18	85
		269	0	14	67
		274	0	03	86
		खुली जगह	1	37	61
		280	0	06	16
		273	0	06	16
		रोड	0	02	25

1	2	3	4	5	6
		399	0	48	00
		398	0	25	73
		395	0	15	47
		रोड	0	02	23
		507	0	20	62
		506	0	12	87
		524	0	16	07
		रोड	0	04	71
		547	0	27	41
		546	0	55	70
		545	0	03	27
		542	0	00	10
		543	0	18	73
		536	0	17	74
		535	0	21	20
		534	0	14	36
		रोड	0	08	90
		562	0	41	40
		563	0	00	61
हलवद	रनमलपूर	650	0	19	26
		651	0	25	11
		648	0	10	63
		656	0	08	79
		657	0	08	32
		खुली जगह	0	09	88
		639	0	22	32
		638	0	11	63
		637	0	31	00
		664	0	00	10
		खुली जगह	1	47	95
		704	0	12	05
		705	0	19	96
		708	0	50	25

1	2	3	4	5	6
		709	0	00	10
		711	0	00	10
		714	0	24	60
		742	0	37	40
		741	0	20	60
		खुली जगह	0	36	95
		718	0	07	63
		719	0	09	63
		720	0	12	75
		721	0	08	16
		722	0	20	55
	घनाद	खुली जगह	0	65	37
		176/2	0	15	52
		176/1	0	13	70
		175	0	17	44
		173	0	35	60
		174	0	00	10
		183	0	11	90
		184	0	45	25
		164	0	05	89
		163	0	39	55
		159/1	0	34	30
		160	0	29	80
		रोड	0	02	88
		नदी	0	52	00
		111	0	32	41
		110	0	16	05
		109	0	42	80
		108	0	29	70
		103	0	01	04
		106	0	03	42
		104	0	17	95
		105	0	21	15
	मालनीयाद	92	0	54	66

1	2	3	4	5	6
		91	0	00	10
		83	1	02	50
		रोड	0	03	31
		82	0	47	10
		71	0	04	34
		72	0	47	25
		64	0	01	56
		65	0	25	20
		रोड	0	06	21
		40	0	89	25
		रोड	0	03	84
		753	0	00	10
		752	0	33	30
		751	0	00	10
		750	0	16	68
		749	0	15	92
		748	0	19	11
		757	0	34	80
		759	0	00	65
		758	0	34	65
		701	0	76	70
		699	0	31	41
		689	0	34	30
		670	0	30	18
		रोड	0	03	34
		634	0	15	11
		635	0	23	80
		636	0	18	70
		637	0	13	13
		खुली जगह	0	05	00
		रोड	0	02	60
		608	0	23	90
		609	0	27	69

1	2	3	4	5	6
		610	0	56	44
		558	0	13	60
		559	0	00	10
		557	0	39	50
		556	0	12	97
		549	0	10	20
		550	0	19	41
		554	0	00	35
		553	0	21	70
		रोड	0	01	78
		532	0	05	53
		533	0	63	82
		534	0	00	10
		535	0	55	60
	वेगडवाव	265	0	43	52
		284/1	0	08	22
	ईशानपूर	364	0	09	25
		खुली जगह	0	56	20
		352	0	04	70
		353	0	15	30
		351	0	05	25
		354	0	18	60
		355	0	20	70
		रोड	0	03	90
		337	0	00	80
		336	0	15	80
		330	0	00	10
		331	0	00	10
		335	0	22	20
	नवा घनश्यामगढ	253	0	19	39
		256	0	02	93
		255	0	37	58
		254	0	01	30

1	2	3	4	5	6
		288	0	20	59
		270	0	27	22
		276	0	21	20
		275	0	00	32
		277	0	36	40
		रोड	0	03	30
		288	0	07	23
		297	0	38	50
		306	0	10	85
		307	0	13	92
		308	0	21	90
		315	0	00	10
		314	0	10	85
		309	0	28	40
		310	0	21	28
		312	0	03	63
		311	0	00	12
		304	0	00	10
		338	0	08	84
		338	0	12	80
		335	0	24	84
		336	0	19	67
		340	0	33	04
		344	0	08	42
		345	0	24	73
		रोड	0	03	27
		382	0	55	40
		383	0	00	53
		464	0	17	95
		465	0	13	77
		468	0	29	20
		470	0	09	76
		471	0	13	33
		503	0	38	60

1	2	3	4	5	6
		504	0	00	10
		507	0	40	30
		508/1	0	02	94
		रोड	0	05	09
		539	0	25	70
		537	0	03	35
		542	0	21	50
		रोड	0	03	68
		581/1	0	24	47
		582	0	11	72
		583	0	13	70
		585	0	00	10
		584	0	40	50
		रोड	0	03	64
		611	0	31	60
		रोड	0	08	07
		646	0	07	84
		647	0	42	60
		648	0	16	71
		653	0	46	40
		657	0	04	01
		रोड	0	06	48
		719	0	55	60
		749	0	00	16
		रोड	0	15	25
		718	0	00	11
		754/1	0	14	05
		754/2	0	04	00
		754/3	0	11	47
		755	0	19	50
		खुली जगह	0	13	90
		715	0	00	10
		713	0	10	65

1	2	3	4	5	6
		756	0	17	50
		757	0	06	68
	नवा अमरापर	65	0	29	20
		66/8	0	00	10
		66/7	0	00	10
		66/6	0	06	02
		66/5	0	01	96
		रोड	0	08	50
		66/3	0	00	10
		66/2	0	00	52
		66/1	0	17	95
		62	0	08	85
		63	0	11	98
		57/1	0	11	65
		57/2	0	00	10
		56	0	09	75
		55	0	09	15
		रोड	0	03	35
		53	0	00	10
		54	0	35	90
	जुना अमरापर	95	0	38	40
		94	0	23	90
		93	0	00	10
		रोड	0	03	66
	हलवद	763	0	11	98
		764	0	20	35
		765	0	02	59
	रायसंगपर	285	0	43	09
		288	0	23	93
		291	0	12	66
		289	0	28	39
		290	0	01	05
		295	0	39	40

1	2	3	4	5	6
		310	0	05	61
		रोड	0	16	30
		309	0	17	85
		314	0	00	14
		313	0	18	95
		315	0	00	10
		316	0	00	10
		317	0	00	75
		318	0	03	10
		319	0	04	02
		375	0	28	50
		321	0	19	30
		रोड	0	13	20
		322	0	00	10
		374	0	21	30
		370	0	39	05
		369	0	03	26
		368	0	22	25
		361	0	35	50
		362	0	06	81
		358	0	22	15
		357	0	37	90
		356	0	02	91
		रोड	0	06	91
		515	0	07	01
		516	0	25	50
		517	0	12	30
		519	0	10	25
		रोड	0	03	33
		551	0	06	15
		572	0	00	10
		573	0	41	75
		574	0	13	12
		575	0	22	25

1	2	3	4	5	6
		रोड	0	03	00
		659	0	06	90
		660	0	06	94
		661	0	06	39
		662	0	07	60
		663	0	16	59
		खुली जगह	0	63	00
		नदी	0	76	70
	मयुरनगर	खुली जगह	0	56	60
		463	0	18	15
		रोड	0	02	10
		462	0	01	95
	धनाला	138	0	00	15
		139	0	18	17
		193	0	59	75
		205	0	05	52
		204	0	09	41
		206	0	03	29
		203	0	00	20
		207	0	29	70
		रोड	0	25	19
		208	0	28	79
		189	0	00	10
		188	0	00	10
		209	0	07	32
		210	0	02	30
		185	0	08	77
		184	0	21	15
		212	0	00	10
		216	0	00	10
		183	0	24	25
		446	0	10	15
		445	0	11	22

1	2	3	4	5	6
		444	0	49	05
		443	0	38	22
		रोड	0	03	50
		439	0	26	55
		438	0	17	02
		437	0	09	89
		436	0	08	13
		435	0	02	21
		434	0	27	09
		433	0	28	05
		नहर	0	05	83
		376	0	38	13
		377	0	00	41
		375	0	02	19
		374	0	14	43
		373	0	16	16
		372/3	0	22	74
		372/2	0	22	73
		372/1	0	19	46
		371	0	15	63
		370	0	01	74
		रोड	0	08	78
		367	0	00	10
		253	0	00	10
		254	0	04	64
		255	0	08	36
		256	0	10	80
		257	0	12	92
		258	0	14	68
		259	0	14	98
		260	0	15	29
		262	0	12	15
		261	0	00	33
		263	0	44	75

1	2	3	4	5	6
		264	0	22	12
		266	0	14	52
		268	0	24	34
		269	0	29	58
		270	0	26	17
		271	0	00	10
		273	0	00	26
		272	0	46	48
		नहर	0	03	44
		275	0	23	20
		276	0	44	02
		279	0	09	54
		280	0	08	88
		281	0	13	95
		283	0	20	60
		282	0	34	44
		रोड	0	06	51
	जुना देवलीया	रोड	0	00	49
		441	0	00	10
		442	0	34	60
		444	0	07	92
		447	0	41	05
		448/1	0	04	16
		रोड	0	13	49
		454	0	46	80
		रोड	0	07	19
		466	0	10	74
		467	0	03	14
		468	0	26	30
		469	0	09	37
		474	0	16	43
		471	0	12	97
		472	0	15	90

1	2	3	4	5	6
		473	0	14	57
		578	0	17	70
		रोड	0	02	65
		577	0	16	16
		576	0	22	90
		574	0	24	54
		573	0	27	05
		571	0	30	95
		रोड	0	02	72
		649	0	52	90
		650	0	03	37
		629	0	42	40
		रोड	0	04	79
		628	0	18	99
		1097	0	31	95
		686	0	36	70
		685	0	60	10
		689	0	43	92
		रोड	0	03	02
		704	0	27	34
		703	0	00	10
		709	0	37	37
		710	0	07	98
		706	0	04	96
		707	0	35	90
		711	0	32	60
		844	0	12	91
		843	0	22	13
		837	0	15	05
		838	0	23	45
		839	0	17	64
		रोड	0	02	43
		744	0	25	70

1	2	3	4	5	6
		743	0	44	45
		749	0	22	35
		748	0	22	37
		756	0	00	10
		763	0	26	66
		757	0	07	46
		759	0	23	78
		758	0	28	33

[फा. सं. आर-25011/7/2009-ओ.आर.-1]

बी.के. दास, अपर सचिव

New Delhi, the 25th March, 2009

S. O. 769.— Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of Petroleum Products from Viramgam to Kandla in the State of Gujrat, a pipeline should be laid by the Indian Oil Corporation Limited.

And whereas, it appears to the Central Government that for the purpose of laying said pipeline it is necessary to acquire the Right of User in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification.

Now, therefore in exercise of the powers conferred by sub-section (1) of section 3 of The Petroleum and Mineral Pipelines (Acquisition of Right of user in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the land described in the said schedule may within 21 days from the date on which the copies of this notification issued under sub-section (1) of the section 3 of said Act, as published in the Gazette of India are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to The Competent Authority, Indian Oil Corporation Limited, 3/122, Gujarat Refinery Township, P.O. Jawaharnagar, Dist. Vadodara-391 320 (Gujarat).

SCHEDULE

District : Surendranagar

State : Gujarat

Name of Tahsil	Name of Village	Survey No.	Area		
			Hectare	Are	Sq. Mtr.
1	2	3	4	5	6
DASADA	MOTI MAJITHI	613	0	54	71
		617	0	35	73
		618	0	21	23
		638	0	37	62
		666	0	59	80
		667/1	0	20	07
		667/2	0	00	44
		668	0	02	93
		666	0	16	76
		664	0	08	33
		662	0	11	90
		658	0	11	06
		659	0	03	52
		654	0	12	38
		ROAD	0	03	40
		691	0	20	37
		726	0	27	54
		692	0	13	50
		690	0	16	34
		689	0	13	23
		734	0	27	42
		735	0	17	00
		ROAD	0	07	22
		5	0	20	15
		ROAD	0	02	82
		55	0	00	10
		57	0	16	58
		56	0	20	08

1	2	3	4	5	6
		ROAD	0	02	41
		59	0	17	16
		OPEN LAND	0	00	56
		88	0	00	10
		87	0	08	48
		ROAD	0	02	71
		192	0	19	54
		92	0	05	86
		96	0	10	08
		99	0	23	83
		98	0	33	70
		ROAD	0	04	02
		205	0	14	37
		203	0	01	13
		204	0	27	80
		202	0	00	10
		209	0	22	33
		197	0	51	80
		ROAD	0	05	75
NANI MAJITHI		79	0	25	95
		78	0	11	92
		77	0	01	22
		83	0	12	44
		84	0	08	13
		85	0	08	78
		91	0	06	27
		90	0	17	15
		100	0	14	02
		101	0	15	97
		102	0	18	34
		103	0	21	08
		104	0	18	57
		105	0	14	37

1	2	3	4	5	6
		111	0	24	22
		110	0	00	38
		114	0	00	10
		115	0	08	11
		116	0	18	74
		117	0	11	06
		ROAD	0	07	62
		124	0	23	05
		119	0	19	68
		118	0	25	10
		120	0	00	10
		ROAD	0	03	71
	NANA GORAIYA	106	0	00	10
		105	0	51	05
		122	0	51	61
		104	0	00	10
		99	1	29	90
		123	0	25	56
		77	0	32	90
		76	0	30	05
		73	0	32	33
		72	0	24	05
		74/1	0	18	85
		71	0	00	10
		NALA	0	07	77
	KACHOLIYA	440/3	0	54	37
		440/8	0	20	51
		ROAD	0	11	02
		214	0	39	40
		215	0	00	98
		221	0	00	55
		220	0	57	25
		ROAD	0	04	09

1	2	3	4	5	6
		440/2	0	00	10
	BAJANA	OPEN LAND	1	58	10
		520	0	00	10
		512	0	15	06
		ROAD	0	03	56
		510	0	14	44
		493	0	24	04
		494	0	19	14
		496	0	33	80
		486	0	29	18
		485	0	24	78
		498	0	10	34
		ROAD	0	09	19
		387	0	38	30
		386	0	25	48
		389	0	28	77
		412	0	30	32
		ROAD	0	03	33
		394	0	23	81
		393	0	15	54
		392	0	27	52
		OPEN LAND	0	12	42
		312	0	51	90
		ROAD	0	04	24
		207	0	22	63
		208	0	18	92
		OPEN LAND	0	28	15
		174	0	16	49
		173	0	29	94
		172	0	00	10
		ROAD	0	07	49
	MALWAN	OPEN LAND	0	38	31
		133	0	44	70

1	2	3	4	5	6
		393	0	48	70
		134	0	14	19
		135	0	09	71
		136	0	27	20
		167	0	34	93
		166	0	31	17
		163	0	30	15
		162	0	10	52
		161	0	16	18
		OPEN LAND	0	02	52
		197/1	0	42	50
		205	0	12	14
		201	0	10	51
		202	0	03	32
		203	0	38	45
		ROAD	0	05	01
		270	0	12	04
		268	0	51	20
		266	0	41	55
		312	0	22	47
		ROAD	0	03	02
		313	0	15	56
		314	0	45	90
		346	0	28	51
		347	0	00	10
		348	0	28	65
		344	0	19	15
		ROAD	0	08	42
		407	0	01	38
		413	0	25	45
		411	0	20	65
		412	0	11	25
		634/9	0	12	46

1	2	3	4	5	6
		OPEN LAND	0	15	75
		391	0	01	76
		390	0	16	35
		OPEN LAND	0	04	20
	PIPLI	NALA	0	05	70
		OPEN LAND	0	72	05
		67	0	37	22
		75	0	14	82
		74	0	01	10
		76	0	13	94
		73	0	12	61
		78	0	07	10
		80	0	14	50
		81	0	02	63
		82	0	12	67
		87	0	35	96
		91	0	17	93
		92	0	01	15
		90	0	33	65
		OPEN LAND	0	22	31
		181	0	23	56
		ROAD	0	06	83
		136	0	37	20
		137	0	03	54
		OPEN LAND	0	64	23
		275	0	25	37
		405	0	12	25
		403	0	00	10
		404	0	35	65
		406	0	00	26
		408	0	13	68
		409	0	10	12
		410	0	06	42

1	2	3	4	5	6
		ROAD	0	04	05
		427	0	24	96
		426	0	03	57
		424	0	25	57
		423	0	16	40
		ROAD	0	06	04
		610	0	45	25
		619	0	50	85
		ROAD	0	13	78
		726	0	27	39
		742	0	40	15
		743	0	38	15
		748	0	00	10
		749	0	21	82
		755	0	31	62
		756	0	30	09
		765	0	12	90
		766	0	11	76
		767	0	03	65
		OPEN LAND	0	26	82
		958	0	28	95
		956	0	08	37
		955	0	27	99
		OPEN LAND	0	24	29
		924	0	17	26
		925	0	19	07
		OPEN LAND	0	07	17
		904	0	20	20
		905	0	23	60
		907	0	02	32
		906	0	10	96
		898	0	26	46
		897	0	12	80

1	2	3	4	5	6
		896	0	00	10
		OPEN LAND	0	40	15
		910	0	13	75
		909	0	10	87
	AKHIYANA	OPEN LAND	0	18	20
		134	0	28	19
		OPEN LAND	0	26	25
		135	0	09	14
		127	0	27	10
		128	0	19	12
		129	0	14	98
DHRANGADHRA	DHRUMATH	ROAD	0	01	65
		347	0	18	49
		372	0	13	70
		373	0	12	15
		366	0	26	41
		367	0	17	96
		365	0	15	16
		362	0	07	42
		364	0	00	10
		363	0	05	40
		360	0	28	96
		359	0	13	55
		366	0	00	40
		311	0	05	74
		388	0	01	42
		389	0	10	10
		390	0	10	44
		391	0	49	52
		393	0	07	36
		392	0	24	02
		309	0	00	10
		304	0	48	79

1	2	3	4	5	6
		303	0	30	95
		ROAD	0	03	71
		431	0	30	90
		432	0	03	51
		461	0	10	07
		462	0	47	22
		463	0	00	41
		704	0	53	04
		483	0	23	30
		484	0	19	42
		486	0	04	67
		485	0	42	89
		481	0	15	47
		ROAD	0	07	40
		496	0	12	28
		497/2	0	06	81
		497/1	0	28	30
		498	0	01	41
		499	0	13	75
		564	0	18	35
		563	0	16	25
		560	0	01	25
		561/1	0	35	34
		561/2	0	01	64
		558	0	12	31
		ROAD	0	04	45
		583	0	45	65
		584	0	41	00
		585	0	19	67
		ROAD	0	09	48
		602	0	05	61
		603	0	11	09
		604	0	33	03

1	2	3	4	5	6
		808	0	12	28
		809	0	19	01
		810	0	14	76
		811	0	13	10
		ROAD	0	00	73
	MALWAN	ROAD	0	05	76
		932	0	19	49
		931/2	0	07	16
		930	0	09	46
		928	0	13	87
		927	0	35	54
		926	0	26	76
		915	0	00	10
		916	0	32	08
		914	0	08	77
		913	0	19	54
		917	0	23	99
		ROAD	0	02	46
		908	0	83	85
		904	0	11	46
		905/1	0	12	33
		905/2	0	08	75
		886	0	00	10
		885	0	00	10
	WAWDI	119	0	14	88
		192	0	42	72
		194	0	26	15
		195	0	07	85
		196	0	24	91
		197	0	26	16
		200	0	10	18
		202	0	57	14
		208	0	00	16

1	2	3	4	5	6
		OPEN LAND	0	38	34
		RIVER	0	33	86
		210	0	00	10
		213	0	46	76
		212	0	26	51
		219	0	00	10
		220	0	00	10
		ROAD	0	04	63
		221	0	18	75
		222	0	45	51
		225	0	13	29
		226	0	20	59
		233	0	15	19
		232	0	16	99
		234	0	24	70
		539	0	01	27
		235	0	45	37
		270	0	13	39
		272	0	12	66
		273	0	24	10
		281	0	16	90
		282	0	13	94
		283	0	18	91
		284	0	08	85
		285	0	00	17
		286	0	14	01
		287	0	30	67
		ROAD	0	06	11
		312	0	03	23
		313	0	21	16
		314	0	04	33
		315	0	28	25
		317	0	28	32

1	2	3	4	5	6
		318	0	09	29
		319	0	09	37
		322	0	43	35
		323	0	00	10
		ROAD	0	03	01
		321	0	12	01
		343	0	57	15
		344	0	42	41
		348	0	11	45
		337	0	24	72
		ROAD	0	02	45
		349	0	02	39
		OPEN LAND	0	32	35
	JESDA	NALA	0	06	05
		404	0	06	71
		400	0	40	94
		398	0	15	16
		390	0	04	83
		389	0	16	58
		ROAD	0	02	23
		391	0	21	46
		386	0	12	18
		385	0	20	03
		384	0	21	29
		383	0	20	56
		381	0	12	66
	VIRENDRAGADH	152	0	35	88
		OPEN LAND	0	30	80
		163	0	13	72
		167	0	28	79
		168	0	17	04
		169	0	18	13
		173	0	15	10

1	2	3	4	5	6
		172	0	25	60
		195	0	09	19
		196	0	22	17
		199	0	30	12
		198	0	00	10
		OPEN LAND	0	07	69
		214	0	48	76
		220/1	0	05	80
		231	0	06	32
		226	0	22	90
		228	0	13	67
		OPEN LAND	0	01	93
		229	0	00	83
		OPEN LAND	0	01	17
		279/1	0	07	82
		278	0	00	87
		280	0	09	27
		281	0	10	93
		282	0	20	85
		283	0	05	04
		OPEN LAND	0	24	61
		295	0	34	25
		299	0	26	23
		298	0	11	88
		ROAD	0	04	70
		326	0	14	74
		325	0	17	37
		323	0	04	50
		324	0	10	25
		RAILWAY	0	07	52
		334	0	31	30
		333	0	31	76
		347	0	39	59

1	2	3	4	5	6
		ROAD	0	02	38
		359	0	19	48
		381	0	11	40
		362	0	08	92
		OPEN LAND	0	10	06
		RIVER	0	20	14
	SATAPAR	OPEN LAND	0	15	14
		168/1/3	0	19	31
		ROAD	0	04	83
		21	0	35	45
		29	0	16	64
		30	0	18	65
		ROAD	0	02	00
		31	0	66	90
		31/2	0	00	10
		68	0	00	10
		69	0	26	27
		67	0	13	05
		66	0	12	79
		70	0	28	49
		72	0	20	82
		73	0	17	08
		74	0	46	50
		75	0	37	75
		76	0	26	02
		77	0	35	74
		113	0	00	10
		112	0	02	49
		78	0	11	99
		82	0	06	74
		83	0	14	28
		84	0	38	40
		96	0	04	25

1	2	3	4	5	6
		85	0	14	77
		95	0	18	90
		91	0	32	80
		89	0	07	44
		90	0	13	17
		92	0	23	98
	JASMATPUR	165	0	19	34
		164	0	09	26
		162	0	27	65
		161	0	08	87
		158	0	05	63
		157	0	09	49
		139	0	22	75
		141	0	11	09
		142	0	26	05
		143	0	04	08
		154	0	00	10
		153	0	14	44
		152	0	21	84
		OPEN LAND	1	01	00
		149	0	23	34
		251	0	00	10
		258	0	28	19
		409/3	0	00	10
		409/2	0	00	10
		267	0	26	18
		268	0	18	10
		408/1	0	00	10
		414	0	69	50
		345/2	0	16	46
		345/1	0	18	04
		344	0	01	64
		343	0	13	87

1	2	3	4	5	6
		342	0	16	64
		ROAD	0	03	79
		341	0	17	72
		340	0	15	95
	KANKAVATI	276	0	15	77
		275	0	18	85
		269	0	14	67
		274	0	03	86
		OPEN LAND	1	37	61
		280	0	06	16
		273	0	08	16
		ROAD	0	02	25
		399	0	48	00
		398	0	25	73
		395	0	15	47
		ROAD	0	02	23
		507	0	20	62
		506	0	12	87
		524	0	16	07
		ROAD	0	04	71
		547	0	27	41
		546	0	55	70
		545	0	03	27
		542	0	00	10
		543	0	18	73
		536	0	17	74
		535	0	21	20
		534	0	14	36
		ROAD	0	08	90
		562	0	41	40
		563	0	00	61
HALVAD	RANMALPUR	650	0	19	26
		651	0	25	11

1	2	3	4	5	6
		648	0	10	63
		656	0	08	79
		657	0	08	32
		OPEN LAND	0	09	88
		639	0	22	32
		638	0	11	63
		637	0	31	00
		664	0	00	10
		OPEN LAND	1	47	95
		704	0	12	05
		705	0	19	96
		708	0	50	25
		709	0	00	10
		711	0	00	10
		714	0	24	60
		742	0	37	40
		741	0	20	60
		OPEN LAND	0	36	95
		718	0	07	63
		719	0	09	63
		720	0	12	75
		721	0	08	16
		722	0	20	55
	GHANAD	OPEN LAND	0	65	37
		176/2	0	15	52
		176/1	0	13	70
		175	0	17	44
		173	0	35	60
		174	0	00	10
		183	0	11	90
		184	0	45	25
		184	0	05	89
		183	0	39	55

1	2	3	4	5	6
		159/1	0	34	30
		160	0	29	80
		ROAD	0	02	88
		RIVER	0	52	00
		111	0	32	41
		110	0	16	05
		109	0	42	80
		108	0	29	70
		103	0	01	04
		106	0	03	42
		104	0	17	95
		105	0	21	15
	MALANIAD	92	0	54	66
		91	0	00	10
		83	1	02	50
		ROAD	0	03	31
		82	0	47	10
		71	0	04	34
		72	0	47	25
		64	0	01	56
		65	0	25	20
		ROAD	0	06	21
		40	0	89	25
		ROAD	0	03	84
		753	0	00	10
		752	0	33	30
		751	0	00	10
		750	0	16	68
		749	0	15	92
		748	0	19	11
		757	0	34	80
		759	0	00	65
		758	0	34	65

1	2	3	4	5	6
		701	0	76	70
		699	0	31	41
		669	0	34	30
		670	0	30	18
		ROAD	0	03	34
		634	0	15	11
		635	0	23	80
		636	0	18	70
		637	0	13	13
		OPEN LAND	0	05	00
		ROAD	0	02	60
		608	0	23	90
		609	0	27	69
		610	0	56	44
		558	0	13	60
		559	0	00	10
		557	0	39	50
		556	0	12	97
		549	0	10	20
		550	0	19	41
		554	0	00	35
		553	0	21	70
		ROAD	0	01	78
		532	0	05	53
		533	0	63	82
		534	0	00	10
		535	0	55	60
	VEGADVAV	265	0	43	52
		284/1	0	08	22
	ISANPUR	364	0	09	25
		OPEN LAND	0	56	20
		352	0	04	70
		353	0	15	30

1	2	3	4	5	6
		351	0	05	25
		354	0	18	60
		355	0	20	70
		ROAD	0	03	90
		337	0	00	80
		336	0	15	80
		330	0	00	10
		331	0	00	10
		335	0	22	20
	NAVA	253	0	19	39
	GHANSHYAMGADH	256	0	02	93
		255	0	37	58
		254	0	01	30
		269	0	20	59
		270	0	27	22
		276	0	21	20
		275	0	00	32
		277	0	36	40
		ROAD	0	03	30
		298	0	07	23
		297	0	38	50
		306	0	10	85
		307	0	13	92
		308	0	21	90
		315	0	00	10
		314	0	10	85
		309	0	28	40
		310	0	21	28
		312	0	03	63
		311	0	00	12
		334	0	00	10
		339	0	08	84
		338	0	12	80

1	2	3	4	5	6
		335	0	24	84
		336	0	19	67
		349	0	33	04
		344	0	08	42
		345	0	24	73
		ROAD	0	03	27
		382	0	55	40
		383	0	00	53
		464	0	17	95
		465	0	13	77
		466	0	29	20
		470	0	09	76
		471	0	13	33
		503	0	38	60
		504	0	00	10
		507	0	40	30
		506/1	0	02	94
		ROAD	0	05	09
		539	0	25	70
		537	0	03	35
		542	0	21	50
		ROAD	0	03	68
		581/1	0	24	47
		582	0	11	72
		583	0	13	70
		585	0	00	10
		584	0	40	50
		ROAD	0	03	64
		611	0	31	60
		ROAD	0	08	07
		646	0	07	84
		647	0	42	60
		648	0	16	71

1	2	3	4	5	6
		653	0	46	40
		657	0	04	01
		ROAD	0	06	48
		719	0	55	60
		749	0	00	16
		ROAD	0	15	25
		718	0	00	11
		754/1	0	14	05
		754/2	0	06	00
		754/3	0	11	47
		755	0	19	50
		OPEN LAND	0	13	90
		715	0	00	10
		713	0	10	65
		756	0	17	50
		757	0	06	68
	NAVA AMRAPAR	65	0	29	20
		66/8	0	00	10
		66/7	0	00	10
		66/6	0	06	02
		66/5	0	01	96
		ROAD	0	08	50
		66/3	0	00	10
		66/2	0	00	52
		66/1	0	17	95
		62	0	08	85
		63	0	11	98
		57/1	0	11	65
		57/2	0	00	10
		56	0	09	75
		55	0	09	15
		ROAD	0	03	35
		53	0	00	10

1	2	3	4	5	6
		54	0	35	90
	JUNA AMRAPAR	96	0	38	40
		94	0	23	90
		93	0	00	10
	HALVAD	ROAD	0	03	66
		763	0	11	98
		764	0	20	35
		765	0	02	59
	RAISANGPAR	285	0	43	09
		288	0	23	93
		291	0	12	66
		289	0	28	39
		290	0	01	05
		295	0	39	40
		310	0	05	61
		ROAD	0	16	30
		309	0	17	85
		314	0	00	14
		313	0	18	95
		315	0	00	10
		316	0	00	10
		317	0	00	75
		318	0	03	10
		319	0	04	02
		375	0	28	50
		321	0	19	30
		ROAD	0	13	20
		322	0	00	10
		374	0	21	30
		370	0	39	05
		369	0	03	26
		368	0	22	25
		361	0	35	50

1	2	3	4	5	6
		352	0	06	81
		358	0	22	15
		357	0	37	90
		358	0	02	91
		ROAD	0	06	91
		515	0	07	01
		516	0	25	50
		517	0	12	30
		519	0	10	25
		ROAD	0	03	33
		551	0	06	15
		572	0	00	10
		573	0	41	75
		574	0	13	12
		575	0	22	25
		ROAD	0	03	00
		659	0	06	90
		660	0	06	94
		661	0	06	39
		662	0	07	60
		663	0	18	59
		OPEN LAND	0	63	00
		RIVER	0	76	70
	MAYURNAGAR	OPEN LAND	0	56	60
		463	0	18	15
		ROAD	0	02	10
		462	0	01	95
	DHANALA	138	0	00	15
		139	0	18	17
		193	0	59	75
		205	0	05	52
		204	0	09	41
		206	0	03	29

1	2	3	4	5	6
		203	0	00	20
		207	0	29	70
		ROAD	0	25	19
		208	0	28	79
		189	0	00	10
		188	0	00	10
		209	0	07	32
		210	0	02	30
		185	0	08	77
		184	0	21	15
		212	0	00	10
		216	0	00	10
		183	0	24	25
		446	0	10	15
		445	0	11	22
		444	0	49	05
		443	0	38	22
		ROAD	0	03	50
		439	0	26	55
		438	0	17	02
		437	0	09	89
		436	0	08	13
		435	0	02	21
		434	0	27	09
		433	0	28	05
		CANAL	0	05	83
		376	0	38	13
		377	0	00	41
		375	0	02	19
		374	0	14	43
		373	0	16	16
		372/3	0	22	74
		372/2	0	22	73

1	2	3	4	5	6
		372/1	0	19	46
		371	0	15	63
		370	0	01	74
		ROAD	0	08	78
		367	0	00	10
		253	0	00	10
		254	0	04	64
		255	0	08	36
		256	0	10	80
		257	0	12	92
		258	0	14	68
		259	0	14	98
		260	0	15	29
		262	0	12	15
		261	0	00	33
		263	0	44	75
		264	0	22	12
		266	0	14	52
		268	0	24	34
		269	0	29	58
		270	0	26	17
		271	0	00	10
		273	0	00	26
		272	0	46	48
		CANAL	0	03	44
		275	0	23	20
		276	0	44	02
		279	0	09	54
		280	0	08	88
		281	0	13	95
		283	0	20	60
		282	0	34	44
		ROAD	0	06	51

1	2	3	4	5	6
	JUNA DEVALIYA	ROAD	0	00	49
		441	0	00	10
		442	0	34	60
		444	0	07	92
		447	0	41	05
		448/1	0	04	16
		ROAD	0	13	49
		454	0	46	80
		ROAD	0	07	19
		466	0	10	74
		467	0	03	14
		468	0	26	30
		469	0	09	37
		474	0	16	43
		471	0	12	97
		472	0	15	90
		473	0	14	57
		578	0	17	70
		ROAD	0	02	65
		577	0	16	16
		576	0	22	90
		574	0	24	54
		573	0	27	05
		571	0	30	95
		ROAD	0	02	72
		649	0	52	90
		650	0	03	37
		629	0	42	40
		ROAD	0	04	79
		628	0	18	99
		1097	0	31	95
		686	0	36	70
		685	0	00	10

1	2	3	4	5	6
		689	0	43	92
		ROAD	0	03	02
		704	0	27	34
		703	0	00	10
		709	0	37	37
		710	0	07	98
		708	0	04	96
		707	0	35	90
		711	0	32	60
		844	0	12	91
		843	0	22	13
		837	0	15	05
		838	0	23	45
		839	0	17	64
		ROAD	0	02	43
		744	0	25	70
		743	0	44	45
		749	0	22	35
		748	0	22	37
		756	0	00	10
		763	0	26	66
		757	0	07	46
		759	0	23	78
		758	0	28	33

[F. No. R-25011/7/2009-O.R.-I]

B.K. DATTA, Under Secy.

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 25 फरवरी, 2009

का.आ. 770.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार में कोचिन रिफाइनरिज लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय संख्या-I, एरनाकुलम के पंचाट (सदस्य सं. 40/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-2-2009 को प्राप्त हुआ था।

[सं. एल-30012/111/97-आई आर (सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 25th February, 2009

S.O. 770.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 40/2006) of the Central Government Industrial Tribunal/Labour Court No. I, Ernakulam now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Cochin Refineries Ltd. and their workman, which was received by the Central Government on 25-2-2009.

[No. L-30012/111/97-IR(C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

Present : Shri P.L. Norbert, B.A., LL.B., Presiding Officer, (Wednesday the 18th day of February, 2009/29th Magha 1930)

I. D. 40/2006

(I.D. 13/2004 of State Labour Court, Ernakulam)

Union :

1. The General Secretary, Cochin Refineries Employees Association, "Karuna" Patutheri Bridge, Edappally, Cochin 682024.
 2. Sri George Joseph, Badge No. 1663 Maintenance Department, Cochin Refineries Limited, Ambalamughal, Cochin-682302.
- By Adv. C. S. Ajith Prakash.

Management :

1. The Chairman & Managing Director, Cochin Refineries Limited, Ambalamughal, Cochin-682302.
2. The General Manager (HRM), Cochin Refineries Limited, Ambalamughal, Cochin-682302.

By Adv. M/s Menon and Pai.

The case coming up for final hearing on 18-2-2009, this Tribunal on the same day passed the following Award.

AWARD

This is a reference made under Section 10(1) (d) of Industrial Disputes Act challenging the proposal of management company to curtail privilege leave and postponement of annual increment in the event of unauthorised absence or attendance falling short of 240 days.

2. Though the parties entered appearance and filed their pleadings when the matter came up for evidence the union is remaining absent continuously and the counsel for the union is seeking time continuously. It appears that there is a Bipartite Settlement after the proposed change in the service conditions. Since the union does not show interest in prosecuting the reference it has to be presumed that there is no existing dispute for adjudication. The reference was made in 2004. There is no meaning in keeping the Industrial Dispute pending indefinitely. The management has produced 5 documents which are marked as Exts. M1 to M5.

In the result an award is passed finding that the proposal of the management to curtail privilege leave and postpone annual increment in the event of unauthorised absence or attendance falling short of 240 days is legal and justified and the employees are not entitled for any relief.

The award will come into force one month after its publication in the official gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 18th day of February, 2009.

P.L. NORBERT, Presiding Officer

Appendix

Witness for Workman	:	Nil
Witnesses for Management	:	Nil
Exhibit for the Workman	:	Nil
Exhibits for the Management		
M1	:	Memorandum of Settlement dated 17-11-2003.
M2	:	Notice dated 31-5-1996.
M3	:	Notice dated 18-11-1996.
M4	:	Memorandum of Settlement dated 21-06-1996.
M5	:	Standing Order.

नई दिल्ली, 25 फरवरी, 2009

का.आ. 771.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. बी.सी.सी.एल. के प्रबंधकों के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/क्रम न्यायालय-1, धनबाद के पंचाट (सदस्य सं. 83/1994) को प्रसारित करती है, जो केन्द्रीय सरकार को 25-2-2009 को प्राप्त हुआ था।

[सं. एल-20012/414/1993-आईआर (सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 25th February, 2009

S.O. 771.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 83/1994) of the Central Government Industrial Tribunal/Labour Court, No. 1, Dhanbad now as shown in the Annexure in Industrial Dispute between the employers in relation to the management of M/s. B.C.C.L. and their workmen, which was received by the Central Government on 25-2-2009.

[No. L-20012/414/1993-IR(C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference U/s. 10 (1)(d) (2A) of the Industrial Disputes Act

REFERENCE No. 83 of 1994

Parties: Employers in relation to the management of Bhowra Colliery of M/s. B. C. C. L.

AND

Their workmen

Present: Shri H.M. Singh, Presiding Officer.

APPEARANCES

For the Employers : Shri D.K. Choubey, Advocate.

For the workman : Shri P.N. Giri, Advocate.

State : Jharkhand. Industry : Coal

Dated, the 17th February, 2009

Award

By Order No. L-20012/414/1993-IR(C-I) dated 8-4-94 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of

sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal:

"Whether the demand of the union for regularisation of the services of Shri Rajendra Prasad Singh and 173 other (as per attached annexure) with the management of Bhowra Coke Plant of M/s. B.C.C.L. is justified? If so, to what relief are the concerned workmen entitled?"

2. The written statement has been filed on behalf of the workman stating therein that the concerned workmen were engaged by the management of Bhowra Coke Plant for doing miscellaneous job which was directly related for the production of the coke and the concerned workmen were working there regularly. In the year 1971 the Bhowra Coke Plant was nationalised. The employer of Bhowra Coke Plant challenged the Ordinance of the President before the Hon'ble High Court, Calcutta and the Hon'ble High Court appointed a receiver pending the disposal of the writ petition and the receiver was the Retired Justice of the Calcutta High Court.

In the year 1983 the Hon'ble Supreme Court declared the Nationalisation of the Coke Oven Plant of Bhowra Coke Plant as valid and legal and since then the Plant is under control of Bhowra Colliery of M/s. BCCL. Thereafter the management of BCCL regularised the services of the workmen who were working in Bhowra Coke Plant. The workmen concerned were working as contractor workers in Bhowra Coke Plant and in the year 1978 the management of Bhowra Coke Plant issued a letter stating the in that all the contractor workers will be regularised as piece rated workmen and the contract system will be abolished with effect from 27th August, 1978 and since then the workmen concerned working there as piece rated workers of Bhowra Coke Plant. At the time of regularisation of the workers of Bhowra Coke Plant the management of BCCL constituted a screening committee and all the concerned workmen were interviewed by the Screening Committee but the concerned workmen were not regularised for the reasons best known to the management. After the decision of the Hon'ble Supreme Court the receiver handed over the management of Bhowra Coke Plant to M/s. BCCL alongwith entire records including the list of workers who were working at that time in Bhowra Coke Plant. As per Nationalisation Act all the concerned workmen were entitled to be regularised in the services of BCCL. The concerned workmen were employed by the management of Bhowra Coke Plant through their Contractor and in the year 1978 the Bhowra Coke Plant Management regularised the services of all contractor workers as the contract system has been abolished. Non-regularisation of the services of the concerned workmen is illegal and illegal retrenchment which was challenged by the different unions and the

management of BCCL also gave assurance to the Union representative that the matter will be examined and proper action would be taken, but the management had not done anything. Seeing no other alternative the union raised the present industrial dispute before the A.L. C. (C) for conciliation. The Hon'ble High Court, Patna also directed the office of the A.L.C.(C) vide their order dated 24-3-93 in C.W.J.C. No. 313 of 1993 (R) for doing needful for adjudication of this dispute. The demand of the union for regularisation of the services of S/Shri Rajendra Prasad Singh and 173 others was examined by the ALC(C), Dhanbad and upon his report the present dispute has been referred to this Tribunal. It has been prayed that the Tribunal be pleased to answer the reference in favour of the workmen by directing the management to regularise the service of S/Shri Rajendra Pd. Singh and 173 others after being reinstated with full back wages.

3. Written statement has been filed on behalf of the management stating therein that the present reference is not legally maintainable and there is employer-employee relationship between the management and the concerned persons. The management of Bhowra Coke Plant was taken over by the custodian w.e.f. 17-10-1971 in pursuance of take over of management of Coking Coal Mines Ordinance 1971 which was replaced by Coking Coal Mines Taking over of Management Act 1971. The aforesaid Coke Plant was to be nationalised w.e.f. 1-5-1972 as per Coking Coal Mines Nationalisation Act, 1972. The Private owners of Bhowra Coke Plant initiated series of litigations in which the Central Government as well as the Custodian were prevented from taking over possession of the said coke plant and ultimately the Hon'ble Calcutta High Court appointed a receiver for the purpose of management, control, direction and supervision of the coke plant. A retired Judge of the Hon'ble Calcutta High Court was appointed as a Receiver in this connection. The litigation continued upto 1983 between erstwhile owners of Bhowra Coke Plant and M/s BCCL and ultimately in 1983 the Hon'ble Supreme Court upheld the validity of the Coking Coal Mines Nationalisation Act, 1972 in respect of nationalisation of Bhowra Coke Plant w.e.f. 1-5-1972.

After pronouncement of the judgement of Hon'ble Supreme Court in 1983 the possession of Bhowra Coke Plant was handed over to the present management. The present management after taking over of possession of Bhowra Coke Plant constituted a Screening Committee for screening out workman who were on the permanent roll of the Bhowra Coke Plant and after proper screening the genuine workmen were allowed to continue in the employment of Bhowra Coke Plant under the present management. Rajendra Prasad Singh and 173 others as mentioned in the annexure to the schedule of reference were not on the roll of the Coke Plant on 1-5-1972 or at the time of taking over possession of Coke Plant in 1983 and

as such the concerned persons were not taken on roll of the present management. The concerned workmen through their union, namely, Akhil Bharatiya Koyla Kamgar Union made a demand before the A.L.C. (C), Dhanbad on 30-12-92 for their absorption under the present management asserting that they were working as contractor workers at Bhowra Coke Plant for several years in the past during the period when the coke plant was under the management of the Receiver appointed by the Hon'ble Calcutta High Court. It has been stated that a contractor worker is not entitled for his absorption under the principal employer under the provisions of Contract Labour (Regulation & Abolition) Act, 1970. The contract labour was also not entitled to claim for employment under the present management after the nationalisation of the Coking Coal Mines and the Coke Oven Plant under the provision of Section 17(1) of the Coking Coal Mines Nationalisation Act, 1972. It has been submitted that as per the provision of Sec. 17 of the Coking coal Mines Nationalisation Act 1972 every person who was a workman within the meaning of Industrial Disputes Act, 1947 and/or immediately before the appointed day in the employment of Coking Coal Mines or Coke Oven Plant was entitled to become, on and from the appointed day, an employee of the Central Government or the Government Company in which the right, title and interest of such mine or plant vested under this Act. He was to hold office of service in the Coking Coal Mines or Coke Oven Plant, as the case may be, on the same terms and conditions and with the same rights to Pension, Gratuity and other matters as would have been admissible to him if the right in relation to such Coking Coal Mines or Coke Oven Plant had not been transferred to and vested in the Central Government or Government Company. In pursuance of the aforesaid provision of Sec. 17 of the Coking Coal Mines Nationalisation Act, 1972, the workmen who were in service immediately before 1-5-1972 as well as on the date of take over of management of Bhowra Coke Plant in 1983 were allowed to continue in the employment. The workmen, who were working under contractors prior to take over of the management of Coking Coal Mines or Coke Oven Plants were treated as contractor workers and they were not taken over by the management of M/S. BCCL as the service conditions existing before in respect of those workman of contractors continued to be same even after nationalisation. It has been submitted that Coking Coal Mines Nationalisation Laws (Amendment) Act 1986 came into force w.e.f. 15-12-1986 on which date the said Amendment Act received the assent of the President of India. As per the provisions of Section 6 of the Coal Mines Nationalisation Laws (Amendment) Act, 1986 the provisions of Sec. 17 of the Act as existed before got retrospectively repealed w.e.f. 1-5-1972 and in its place the new provision was substituted enabling the management to transfer the workmen and the officers from one place to another place and declaring that such transfer cannot be challenged in any Court, Tribunal or other

authorities. In pursuance of the Amendment Act of 1986 referred above, the workmen who were already taken over under the provisions of Sec. 17 of the Coking Coal Mines Nationalisation Act were protected in pursuance of saving clause incorporated at Section 20 of the Amendment Act and all claims of workmen of erstwhile employers who were not taken over by M/S. BCCL got extinguished retrospectively w.e.f. 1-5-1972. In view of the aforesaid amendment, the concerned persons cannot make any claim for their absorption under the present management even if they were genuine workmen directly employed by the erstwhile employer of Bhowra Coke Plant. The present demand advanced by the concerned persons asserting themselves to be contractor workers of erstwhile employers cannot be maintainable. It has been stated that in a reference the Central Government Industrial Tribunal No.2, Dhanbad passed an Award in Reference No. 189/86 holding that the provision of Sec. 17 of the Coking Coal Mines Nationalisation Act got repealed w.e.f. 15-12-1986 and not from 1-5-1972. The Hon'ble High Court of Patna Ranchi Bench heard the matter in C.W.J.C. No. 747/88 (R) and held that the provision of Section 17 of Coking Coal Mines Nationalisation Act 1972 and Section 14 of the Coal Mines Nationalisation Act 1973 got repealed retrospectively w.e.f. 1-5-1972 and 1-5-1973 respectively and all rights of the workmen of erstwhile employers for claiming employment under the management of M/S. BCCL got extinguished and none can claim employment in future. It has been submitted that the concerned persons were not genuine workmen or erstwhile employer or of any contractor and have raised the present dispute in the spirit of gambling in litigation for securing employment for themselves.

In rejoinder filed by the management it has been denied that the concerned workmen were working in M/s. Bhowra Coke Plant for doing miscellaneous jobs directly related to the production of coke regularly. It has been stated that they were not in the roll of M/S. BCCL and they cannot be regularised under BCCL. It has also been denied that the concerned persons were working in Bhowra Coke Plant as contractor workers or that Bhowra Coke Plant issued any letter for abolition of contract system and regularisation of contractor workers on the roll of the management. This scheme is based on concoction with the hope of making out a case for demanding absorption of contract workers on the roll of the management existing in 1978. It has been submitted that the Screening Committee was formed to find out the genuine workmen who were on the roll of the Bhowra Coke Plant under the receivership and under the erstwhile employer before nationalisation and the Screening Committee was not constituted for verification of contractors workers and for their absorption under the management of BCCL. It has been denied that the concerned workmen are entitled to be regularised in the

service of M/S. BCCL. Hence, it has been prayed that the award be passed in favour of the management.

4. Rejoinder to the written statement of the management has been filed on behalf of the concerned workmen stating therein the same and similar fact as has been stated in their written statement.

5. The concerned workman has produced WW-1 D.N. Siddha, who has proved Exts. W-1 to W-1/4 series, WW-1 Surend Singh, concerned workman also examined himself to support their case and WW-3- Rajendra Prasad Singh, contractor has been produced to substantiate the case of the workman.

The management has produced MW-1-B. K. Singh to substantiate the case of the management.

6. The main argument on behalf of the workmen is that Rajendra Prasad Singh and 173 others were working at Bhowra Coke Plant before nationalisation and they were working regularly. In this respect WW-1, Secretary of Akhil Bharatiya Koyla Kamgar Union stated in cross-examination that there is work order to show that the work was given to Rajendra Prasad Singh. His name is not included in the workmen. It shows that Rajendra Prasad Singh's name is not included in workmen for whom reference has been made for decision and adjudication. WW-1 in cross-examination at page 2 has stated: "We have no record to show about the payment made to the workmen. I have not gone through the Pass Book of the Contractor as to what payment was made from the Coke Plant. I have not gone through the bills submitted by the contractor. I have not worked in the coke plant ever. This statement shows that there is no record for workmen by the management. In this respect WW-2 stated in cross-examination at page 2: "I have heard that BCCL has gone under B.I.R.R. Number of areas have been minimised to cut the employees also. I have also heard that effects are being made to save the company." He has also stated that no appointment letter was given to him by Rajendra Prasad Singh under whom they were working and in this respect WW-3- Rajendra Prasad Singh, contractor, who has been produced by the workmen, stated in cross-examination at page 2 that there was no agreement with him and that of on behalf of S.K. Roy the ex-owner of Bhowra Coke Plant for supply of labour. It shows that ex-owner, S.K. Roy has got no agreement to supply labour. This contractor used to supply the concerned workmen on piece-rated work to Bhowra Coke Plant. This falsifies the statement of WW-3 made in the written statement of the workmen. Again WW-3 in page 2 stated that there is no letter from Justice P.K. Ghosh stopping contract work to me nor there is any letter to show that he has assured to regularise me and my workers in the

employment of BCCL. This shows that this is again contrary to the statement made as regards what has been stated in written statement. Hence there is no contract for supply of labour. WW-3 again stated at page 2- "I have got no papers to show payments to the labourers. I have deposited those papers to BCCL. I have got no receipt to prove that I have deposited the payment sheet receipts. I have got no record to show which labour has worked how many days in a particular year. I am also one of the concerned workmen. I have got no record to show which labour has loaded how many wagons in which date. This statement shows that there is no record for payment to labourers and also he has got no record as to which labourer has worked how many days in a particular year with him at Bhowra Coke Plant, so that it may be presumed that this contractor alongwith 173 other workmen were doing the job of permanent nature.

7. In this respect the management's witness, MW-1—B. K. Singh, who was working at Bhowra Coke Plant from the year 1967 stated that Bhowra Coke Plant was taken over by the management of M/S. BCCL on 21-3-1983. In the meantime litigation was pending in Calcutta High Court regarding takeover of the Coke Plant between BCCL and private owner, S.K. Rai of Bhowra Coke Plant. The concerned persons whose names found place in the list of 174 persons had not worked at Bhowra Coke Plant on any point of time. During the management of private owner two contractors were engaged, namely, Jhanda Mahato and A.T. Carrying but when the case was pending before Calcutta High Court, Sri S.K. Rai was appointed Receiver and at that time all the workers of the contractor were regularised in the employment of Bhowra Coke Plant. Besides the two contractors there was no other contractor in that coke plant. He has denied the fact that the concerned persons were working under the management of Bhowra Coke Plant and he was supervising their work.

8. The documents which have been filed by the concerned workmen do not seem genuine and they cannot be relied on and on these documents it cannot be presumed that they have worked with the management.

9. The learned counsel for the workmen has referred 2003(2) JLJR page 58 in which the Hon'ble Jharkhand High Court laid down— "From perusal of the award it appears that the most crucial and pertinent question for decision before the Tribunal was whether the nature of work done by the concerned workmen was of perennial nature or not. Without deciding the question the Tribunal proceeded on the basis that since the concerned workmen were engaged by the Contractor and they were paid their wages directly by the contractor, they were not entitled to any relief. In my opinion, the Tribunal has not correctly

appreciated the evidence adduced by the parties and has not recorded a positive finding with regard to the nature of the job being performed by concerned workman.

For the aforesaid reason, I allow this writ application, set aside the impugned award passed by the Tribunal and remit the matter back to him for passing fresh award after giving reasonable opportunity of hearing to the parties. Needless to say that the Tribunal shall record its finding as indicated hereinabove."

The learned counsel of the workman also referred 2004(1) JLJR 387 in which the Hon'ble Jharkhand High Court laid down—"Labour and Industrial Law—Regulation- equal pay for equal work- workmen continuously engaged on the job of removal of slurry since 1974 through contractors—after prohibition of contract labour, the workmen ought to be deemed to be the workmen of the principal employer—Tribunal rightly held that supply of contract labour was a mere ruse/camouflage to evade compliance with various beneficial legislations—workmen rightly held to be employees of the principal employer and Management directed to regularise their services." The learned counsel of the workmen also referred 2005(4) JLJR 55 in which the Hon'ble Jharkhand High Court laid down—"Labour and Industrial Law—Absorption/Regularisation-concerned workmen used to work through the contractor, now left redundant as part of a surplus workforce due to change in the nature of mining operation- there was stoppage of work and it was nobody's case that the concerned workmen worked till the date of award—as and when BCCL intends to employ regular workmen, it shall give preference to those workmen, if they are otherwise found suitable, by relaxing the conditions of age and academic/technical qualification."

10. The learned counsel of the management has referred Umadevi's case reported in 2006(II) LLJ-722 in which the Hon'ble Supreme Court laid down the criteria for absorption/regularisation of temporary/casual/daily rated and contractual workers in regular service. But in the present case the criteria has not been fulfilled by the concerned workmen.

In view of the facts discussed above, I come to the conclusion that the concerned workmen are not entitled for regularisation.

11. Accordingly, I render the following award—The demand of the union for regularisation of the Services of Shri Rajendra Prasad Singh and 173 others, mentioned in the order of reference, with the management of Bhowra Coke Plant of M/s. B.C.C. Ltd. is not justified and hence, the concerned workmen are not entitled to any relief.

H. M. SINGH, Presiding Officer

नई दिल्ली, 2 मार्च, 2009

का.आ. 772.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ मॉरीशस के प्रबंधन के संबद्ध नियोक्ताओं और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, मुम्बई नं. 2 के पंचाट (संदर्भ संख्या 105/2001) को प्रकटित करती है, जो केन्द्रीय सरकार को 2-3-2009 को प्राप्त हुआ था।

[सं. एल-12012/158/2001-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 2nd March, 2009

S.O. 772.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 105/2001) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Mumbai, as shown in the annexure, in the Industrial Dispute between the management of State Bank of Mauritius, Ltd., and their workmen, received by the Central Government on 2-3-2009.

[No. L-12012/158/2001-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 2, MUMBAI

PRESENT:

A. A. LAD, Presiding Officer

Reference No. CGIT-2/105 of 2001

EMPLOYERS IN RELATION TO THE MANAGEMENT OF STATE BANK OF MAURITIUS LTD.

The Executive Vice President,
State Bank of Mauritius Ltd.,
101, Raheja Centre,
Free Press Journal Road,
Nariman Point, Mumbai-421 001.
Mumbai-400 093.

...First Party

AND

Their Workmen
Smt. Dimple Wasan,
61-A, Woden House Road,
Opp. Ruston & Co., Colaba,
Mumbai-421 005.

...Second Party

Appearances:

For the Employer : M/s. Consulta Juris,
Advocates.

For the Workmen : Shri Aboo Talib,
Representative.

Date of reserving the Award : 8-8-2008.

Date of passing the Award : 16-1-2009.

AWARD

The matrix of the facts as culled out from the proceedings are as under :

1. The Government of India, Ministry of Labour by its order No.L-12012/158/2001-IR (B-I) dated 16th August, 2001 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of State Bank of Mauritius Limited, Mumbai in terminating the services of Smt. Dimple Wasan w.e.f. 17.3.2000 is justified? If not, what relief the workman, Smt. Dimple Wasan, is entitled?"

2. Claim Statement is filed by the Workman at Exhibit 7 making out the case that, she joined as a Junior Officer with the 1st Party on 8-10-1998. She states that, though she was designated as "Junior Officer" she was performing the duties of Workman. She states that, her probationary period was extended by six months by Bank's letter dated 6-10-1999 which ended on 6th March, 2000 which was not extended thereafter.

3. 2nd Party states that, she gave leave application dated 25-2-2000 and requested for maternity leave from 17-3-2000 to 14-6-2000. She states that, she was to resume on duty on 15th June, 2000 but could not do so as on that day Bank was not functioning. So it is submitted by her that, on 16th June, 2000 she reported for duty. However, she was not allowed to resume on duty. She states that she submitted application dated 12-6-2000 for maternity leave wages which was not considered by the 1st Party and she was not paid the maternity leave wages.

4. She states that, she received letter dated 16th June, 2000 informing her that, her services have been terminated with retrospective effect from 17th March, 2000. Said termination was issued without assigning any reason for the termination of her services. She states that, she by her notice dated 8th September, 2000 requested the 1st Party to reinstate her with full back wages and continuity of service. However, that was not considered by the Bank. She received reply from the Bank dated 30th September, 2000. In the said reply Bank levelled several allegations. According to second Party all the

allegations are false and Bank cannot level such allegations. No enquiry was conducted on such alleged charges. She states that, the decision taken by the 1st Party of termination is not just, proper and require to interfere.

(5) She further states that, though she was designated as "Junior officer" she was doing the duties which were of the clerical nature work viz. she was doing the work of maintaining stationery required, maintaining leave record, preparing salary of all the Branches Units as on 2000. She states that, she was attending out door work for purchase, travelling with foreign delegation for shopping as a guide, looking after incoming and outgoing circulars to the Branches, Developing and sending E-mails. She was taking dictations from her superiors. She was coordinating with branches of the Bank for printing Bank stationery. She was maintaining inward and outward register, managing courier and dispatch. She was ordering tea/coffee for her superiors. She was looking after daily attendance and that, she was attending to the incoming calls and make STD, ISD calls. She was attending visitors. According to her, she is the workman and she is entitled for protection.

(6) This is disputed by the 1st Party by filing reply at Exhibit 8 contending that, the work done by the 2nd Party is not of the Workman. She cannot seek protection under the provisions of the Industrial Disputes Act, 1947. It is contended by the 1st Party that, she was appointed as a Junior Officer. She was initially appointed on probation for a period of 12 months. Said probation was extended as per the terms and conditions of the Bank and the Bank was entitled to terminate the services of the Workman during probation and hence the Bank took a decision to terminate her service before she completes probation since her work was not satisfactory. It is stated that, the work of the concerned workman was not upto the mark. Even initially her probationary period was extended by six months. It is stated that, 2nd Party abandoned her job on her own during the probationary period and remained absent from duty without leave from 13-3-2000 and since she abandoned her job from 13th March, 2000 and since her performance was not found satisfactory. Bank terminated her services from 17-3-2000 and a formal letter informing her that, her services were terminated was communicated to her by letter dated 16th June, 2000. According to Bank the concerned Workman was doing the work of preparation of the staff salary and related reports, looking after petty cash and expenses and she was having custody of petty cash. She was looking after administrative functions like travelling arrangements for Executives from Mauritius to India. She was maintaining the confidential records of the staff. She was the custodian of stationery items and placing orders for stationery independently whenever required. She was attending the work of authorization of non-interest expenses e.g. courier charges, electricity charges,

telephone charges, canteen charges, canteen expenses, books and periodicals maintenance charges of Mumbai Branch. She was also supervising the work of house keeping. She was also in custody of inward and outward mails, and RBI and Corporate office's confidential circulars. It is denied by the 1st Party that, she reported for work on 16th June, 2000 and she was refused to report on duty. According to Bank she abandoned her services on 13-3-2000 hence her services were terminated from 17-3-2000 and she never reported on duty thereafter. It is stated by the 1st Party Bank that, it received 2 letters dated 25-2-2000 and 12-6-2000 together on 16-6-2000. It is stated that, in the said letters she requested for sanction of maternity leave from 17th March, 2000 to 14th June, 2000 without any supporting documents. It is further contended by the 1st Party that, by her letter dated 12th June, 2000 she requested for payment of salary for her absence period from 17th March, 2000 which was not considered by the Bank. It is contended that, the Bank by its letter dated 16th June, 2000, which was a formal and since she did not report on duty from 13-3-2000, Bank treated that, she abandoned her services from 13th March, 2000. When she abandoned the job now she cannot claim any relief. So it is contended that, the claim made by the concerned workman be rejected.

(7) Rejoinder was filed by the 2nd Party at Exhibit 16 reiterating the case made out by her in the Statement of Claim and denying the case made out by the 1st Party.

(8) In view of the above pleadings my Ld. Predecessor framed Issues at Exhibit 11 which I answer as follows :

ISSUES	FINDINGS
1. Whether the Management proves that Smt. Wasan is not workman as defined under Section 2(s) of the Industrial Disputes Act ?	YES
2. Does the Management prove that Smt. Wasan remained absent from duty without leave from 13-3-2000 and thereby she abandoned her job ?	YES
3. Does Management prove that Smt. Wasan was terminated as her probationary period was not satisfactory ?	YES
4. Whether the action of the Management of State Bank of Mauritius Limited, Mumbai in terminating the services of Smt. Dimple Wasan w.e.f. 17-3-2000 is legal and justified ?	YES
5. What relief Smt. Wasan is entitled to ?	As per Order passed below.

REASONS :**ISSUE NO. 1:**

(9) 2nd Party claims that, she is a workman. It is denied by the 1st Party. According to 1st Party she was looking after clerical work like preparation of the staff salary and work related to reports, looking after petty cash and expenses and she was having custody of petty cash doing administrative functions like travelling arrangements for Executives from Mauritius to India, maintaining the confidential records of the staff. She was the custodian of stationery items and was placing orders for stationery independently whenever required. She was attending the work of authorization of non-interest expenses e.g. courier charges, electricity charges, telephone charges, canteen charges, canteen expenses, books and periodicals maintenance charges of Mumbai Branch. She was also supervising the work of house keeping. It is stated that, she was also in custody of inward and outward mails, and RBI and Corporate office's confidential circulars and as such she was not the "Workman".

(10) To prove that, 2nd Party placed reliance on her affidavit, filed in lieu of the examination-in-chief filed at Exhibit 34 where she states that, though she was designated as "Junior Officer" her nature of duties was entirely of pure clerical nature as she was maintaining stationery required, maintaining leave record, going for outdoor work for purchase, travelling with foreign delegations for shopping as a guide, looking after incoming and outgoing circulars to the branches, developing and sending E-mails, taking dictations from Executive Officers, coordinating with branches for printing stationery, maintaining inward and outward registers, managing courier and dispatch, ordering tea and coffee, and looking after attendance attending incoming and outgoing STD/ISD calls. In the cross she states that, she was doing clerical work though she was designated as "Junior Officer". She states that, she was attending 13 duties as detailed in her affidavit. As against that, management examined Sanjiv Gurudas Shirvalkar by filing his affidavit in lieu of the examination-in-chief at Exhibit 38 who states that, he is working as Head Operations and is familiar with the work of the 2nd Party. He states that, 2nd Party was doing work of preparation of staff salaries and related returns, looking after petty cash expenses and custody of petty cash balance and postage, looking after administrative functions, maintenance of confidential records of staff, custodian of stationery items and placing order independently for the same whenever required, authorization of non-interest expenses e.g. courier charges, electricity charges, telephone charges, canteen expenses, books and periodicals and maintenance charges etc. of Mumbai Branch, supervising the work of house keeping, custody of inwards and outward mail. He states that, she was also maintaining and was in the

custody of RBI, Corporate office's confidential circulars and claimed that, she is not the workman. In the cross he states that, he has not seen 2nd Party working with 1st Party. Written arguments were filed by the 2nd Party at Exhibit 42 and by the 1st Party at Exhibit 43.

(11) Here, 1st Party states that, the 2nd Party is not the workman whereas 2nd Party claims that, she is the workman. 1st Party has produced appointment letter dated 18-10-1998 where she is addressed as 'Junior Officer', State Bank of Mauritius Ltd., Mumbai. It shows the designation of the concerned workman which is shown as 'Junior Officer'. She claims that, though she is designated as "Junior Officer" she was made to work of maintenance of stationery, preparation of the staff salary and related reports, looking after petty cash and expenses, petty cash. Maintenance of the confidential records of the staff, authorization of non-interest expenses e.g. courier charges, electricity charges, telephone charges, canteen charges, electricity charges, canteen expenses, books and periodicals maintenance charges of Mumbai Branch, supervising the work of house keeping, she was also in custody of inward and outward mails, and RBI and Corporate office's confidential circulars. But she was not having any financial powers or any independent powers. Against that, 1st Party succeeds in showing that, the 2nd Party was looking after petty cash and she was in the custody of the petty cash. It is the claim of the 1st Party that, she was taking care of expenses of electrical charges, telephone charges, canteen charges etc. It is also the case of the 1st Party that she was attending the visitors and looking after the expenditure of the office. So taking into consideration the designation of the Workman as Junior Officer and the work of handling petty cash and responsibility of custody of petty cash the concerned workman does not permit her to claim as 'workman' and permit her to fall under the category of 'workman'. Workman cannot handle cash or cannot purchase the stationery and cannot look after the financial requirement of the Bank as done by the concerned workman. Only because she is alleging that, though she was designated as 'Junior Officer' she was doing 'clerical' work cannot be accepted unless it is proved by her. Case of the 1st Party is that, she was looking after petty cash as well as office expenses like telephone bills, electricity bills, maintenance, canteen charges etc. independently and was purchasing stationery independently definitely fortifies the version of the 1st Party and definitely she is falling in the cadre of 'Executive' and not in the cadre of the 'workman'. So the above evidence led by both lead me to conclude that, the 2nd Party is not the 'workman'. So I answer this issue accordingly.

ISSUE NO. 2 :

(12) It is the case of the 1st Party that, she remained absent from duty from 13th March, 2000 and hence, she abandoned her job. In fact when she is not the workman,

1st Party is not supposed to show all this. However, in the cross of the 1st Party which is referred above, particularly cross of the concerned workman reveals that, she has not lead evidence to show that, she applied and leave was granted by the 1st Party. Even she has no evidence to show that, she applied for maternity leave on 25-2-2000. She admits that, she did not produce any medical certificate along with said two leave applications. She states that she submitted medical certificate after she was discharged from the hospital on 25-3-2000. She admits that, employees like her are getting medical facilities like reimbursement and her letter dated 12-6-2000 was admittedly for reimbursement of medical expenses. She admits that, she has not replied to the letter dated 6-10-99 of the Bank. So from this evidence she is unable to show that, she applied for maternity leave/medical leave in time. It does not prove that, she was on sanctioned leave. This evidence does not prove that, she applied for maternity leave. This evidence does not prove that, she informed the Bank about her maternity leave and it was sanctioned by the Bank. So all this leads me to conclude that, she remained absent voluntarily without permission or without sanctioned leave which invited Bank to treat her that, she 'abandoned' the job. When she has no evidence as burden is on her to show that, she was on sanctioned leave, it leads me to conclude that, she abandoned the job from 13th March, 2000. So I answer this point accordingly.

ISSUE NOS. 3 & 4 :

(13) It is the case of the 1st Party that, since she did not complete the probationary period and she remained absent she was terminated. As far as case of remaining absent without intimation and extension of probationary period of the 2nd Party is concerned, it is under dispute. According to her she was on maternity leave and according to 1st Party since she remained absent unauthorisedly and her probationary period which was not extended it invited 1st Party to effect termination which is proper. Here 1st Party after going through her performance during the probationary period decided not to continue her and accordingly 1st Party informed her. The fact that, the 2nd Party is unable to show that, she applied for maternity leave and after getting it sanctioned from 1st Party she proceeded on leave. All this reveals that, she did not take care of the problems of the 1st Party and the working of the 1st Party and have not taken care which she ought to have taken while working with 1st Party. On the contrary she did not do it and invite 1st Party to take action of termination which cannot be challenged by her in this form. So I answer this Issue to accordingly.

(14) In view of the above discussions, I conclude that, the reference require to be rejected. Hence I pass the following order :

ORDER

Reference is rejected with no order to its costs.

Bombay 16-1-2009

A. A. LAD, Presiding Officer

नई दिल्ली, 3 मार्च, 2009

का.आ. 773.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कैंटोनमेंट बोर्ड के प्रबंधन के संबंध निचोबकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ग्राम न्यायालय नं. 2, मुम्बई के पंचाट (संदर्भ संख्या सीजीआईटी-2/5 ऑफ 2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03-03-2009 को प्राप्त हुआ था।

[सं. एल-13011/2/2001-आई आर (डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 3rd March, 2009

S.O. 773.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT-2/5 of 2002) of the Central Government Industrial Tribunal-cum-Labour Court, No. 2, Mumbai, as shown in the annexure, in the Industrial Dispute between the employers in relation to the management of Cantonment Board and their workman, which was received by the Central Government on 03-03-2009.

[No. L-13011/2/2001-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

Present : A.A. LAD, Presiding Officer

Reference No. CGIT-2/5 of 2002

Employers in Relation to the Management of Cantonment Executive Officer Cantonment Board, Pune

The Cantonment Executive Officer Cantonment Board
Golibar Maidan Opp. Cantonment General Hospital,
Shankar Seth Road, Pune-411001.

AND

Their Workmen

The General Secretary
Pune Cantonment Karmachari Sangh Store Yard,
Jan Mohammad Street, Babajan Chowk
Pune-411001.

APPEARANCES

For the employer : Mr. P.G. Hartalkar
Advocate
For the workmen : Mr. P.V. Sathaye
Advocate

Mumbai, dated 27th January, 2009.

AWARD

The Government of India, Ministry of Labour by its Order No.L-13011/2/2001-IR(DU) dated 20-11-2001 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication:

"Whether the demand of the Pune Cantt. Karmachari Sangh, Pune that Sh. Suresh Dadu Netke son of Smt. Sona Dadu Netke being the next kin of an ex-employee of the Cantonment Board, Pune retired/died be given preference in providing employment under clause 7 of the settlement dated 1-10-65 is legal and justified? If yes, then to what relief the concerned person is entitled to and from which date?"

2. To justify the claim in the reference, second party filed claim statement at Ex-15-A making out case that, settlement took place in 1965. As per said settlement, one of the heirs of the workman can be accommodated in the employment of first party on compassionate ground. As per said settlement Suresh Dadu Netke son of Smt. Sona Dadu Netke is entitled to get employment with first party. Smt. Sona Dadu Netke was working as Safaiwala with first party and she was discharged from service on 7-4-1993 as declared medically unfit. Accordingly Smt. Sona Dadu Netke submitted application on 15-04-1993 to first party and requested to take her son Suresh Dadu Netke in the employment in her place. However he was not considered. So dispute was raised by union by approaching Assistant Labour Commissioner (C) which ended in failure.

3. It is case of the union that, Suresh Dadu Netke son of Smt. Sona Dadu Netke ought to have called for interview and first party ought to have verified his credentials for but he was not considered. So it is prayed that, he be appointed as a Safaiwala with immediate effect.

4. This is disputed by first party by filing reply at Ex-20-A stating that, General Secretary of union has no locus-standi to file claim statement. Said union is not party to the terms of settlement. This Court has no jurisdiction to entertain the claim. It is further stated that, settlement took place as there was no statutory provisions about the recruitment of employees and service conditions with first party. It is stated that

mother of Suresh Dadu Netke i.e. Smt. Sona Dadu Netke was declared medically unfit w.e.f. 7-4-1993 and her name was struck off from the muster roll of establishment of first party. It is further stated that the condition of her family cannot be called as indigent since Smt. Sona Dadu Netke is getting monthly pension and the other son is working as Safai Karmachari with the Board and getting monthly salary. Circular dated 09-10-1998 indicates specific directions for appointments on compassionate grounds. As per said circular, son of Smt. Sona Dadu Netke is not entitled to get employment with first party. So it is prayed that, prayer prayed by union be rejected.

5. Second party filed rejoinder at Ex-31 taking the same stand taken in the claim statement.

6. In view of above pleadings, issues were framed at Ex-46 which is answered as follows:

Issues	Findings
(i) Whether Shri Suresh Dadu Netke son of Smt. Sona Dadu Netke being the next kin of an ex-employee of Cantonment Board can claim employment under Clause 7 of Settlement dated 1-10-1965 with first party?	No
(ii) What order?	As per order below.

REASONS

Issue No. 1:

7. To justify the demand, second party did not lead any evidence. Against that, first party has filed affidavit of one Asha Subash Baglane Ex-65 making out case that, son of Smt. Sona Dadu Netke is not entitled for employment with first party. Though matter was kept for cross-examination of this witness, nobody appeared for second party to take the cross-examination of first party witness. Averments made by first party in the affidavit remained unchallenged. Besides no evidence is lead by claimant to justify the claim. No any word is uttered by second party by stepping into witness box. So I conclude that, second party failed to establish that, Suresh Dadu Netke son of Smt. Sona Dadu Netke is entitled for employment with first party. So I answer this issue in the negative and pass the following order:

ORDER

Reference is rejected with
no order as to its costs.

Date: 27-01-2009

A. A. LAD, Presiding Officer

नई दिल्ली, 3 मार्च, 2009

का.आ 774.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आर्चलॉजिकल सर्वे ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय भुवनेश्वर के पंचाट (संदर्भ संख्या 87/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-3-2009 को प्राप्त हुआ था।

[सं. एल-42011/50/2000-आई आर (डी.यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 3rd March, 2009

S.O. 774.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 87/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Archeological Survey of India and their workman, which was received by the Central Government on 3-3-2009.

[No. L-42011/50/2000-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, BHUBANESWAR

Present : Shri N. K. R. Mohapatra, Presiding Officer

Industrial Dispute Case No. 87/2001

Date of Passing Award-16th January, 2009

Between :

The Management of the Superintendent,
Archeological, Archeological Survey of India,
Bhubaneswar Circle, Old Town, Bhubaneswar-02.

.....First Party Management

AND

Their Workmen represented through the General
Secretary, Archeological Survey of India,
Workers Union, Barabati Fort, Cuttack-753 001.

.....2nd Party-Union

APPEARANCES:

Shri B. K. Mohapatra
Administrative Officer.
Shri Ajay Kr. Pattnaik,
General Secretary.

....For the 1st Party
Management.
....For the 2nd Party
Union.

AWARD

The Government of India in the Ministry of Labour, in exercise of Powers conferred by Clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No. L-42011/50/2000/IR(DU), dated 27-12-2000.

"Whether the action of the management of Archeological Survey of India, Bhubaneswar, by not giving temporary status to casual workers those who have fulfilled the criteria for temporary status is justified? If not, to what relief the workmen are entitled?"

2. Pursuant to a judgement dated 16-2-1990 of the Central Administrative Tribunal, Principal Bench, New Delhi in the case of Shri Raj Kamal & Others-Versus-Union of India the Government of India, Department of Personnel & Training (DoPT) came up with a scheme for conferment of temporary status and regularization of casual Labour in 1993. Under the said scheme the Management conferred temporary status to several casual labourers leaving aside few such senior casual workers. Their Union therefore raised an Industrial Dispute culminating the same in the present reference.

3. It is alleged in short, by the Union that by misinterpreting the provisions of the scheme, the Management has deprived several senior labourers from its benefit and thereby has created disparity amongst the workers.

4. The Management on the other hand contended that as per the Scheme and circulars issued by the DoPT casual labourers who were in continuous service of at least one year have already been given temporary status as per the scheme and paid their arrears from the effective dates. But those who were not recruited through employment exchange could not be conferred with such status, the Government rule/circular being specific on the same. In other words it is contended by the Management that persons recruited not through employment exchange are not entitled for such temporary status and as such no illegality has been committed by the Management is not conferring temporary status to those in respect of whom the dispute was raised by the Union.

5. On the basis of above pleadings of the parties the following issues were framed:

ISSUES

1. Whether the reference is maintainable?
2. Whether the action of the Management of Archeological Survey of India, Bhubaneswar, by not giving temporary status to casual workers those who have fulfilled

the criteria for temporary status is justified? If not, to what relief the workmen are entitled?

3. To what relief the workmen are entitled to?

6. The Union examined two witnesses who have been deprived of being conferred with temporary status. It also produced several documents marked as Ext.-1 to 6. The Management on the other hand examined one witness and produced documents marked as Ext.-A to D.

FINDINGS

ISSUE NO. 1

7. No evidence worth any kind having been adduced by either party, this issue is answered affirmatively.

ISSUES NO. 2 AND 3

8. These Issues are taken up together as they are inter-dependant.

Rule-4 of the Scheme (Ext.-A) prescribes as follows:—

Temporary Status

- (i) Temporary status would be conferred on all casual labourers who are in employment on the date of issues of this O.M. and who have rendered a continuous service of at least one year, which means that they must have been engaged for a period of at least 240 days (206 days in the case of offices observing 5 days week).
- (ii) Such conferment of temporary status would be without reference to the creation/availability of regular Group 'D' posts.
- (iii) Conferment of temporary status on a casual labourer would not involve any change in his duties and responsibilities. the engagement will be on daily rates of pay on need basis. He may be deployed any where within the recruitment unit/territorial circle on the basis of availability of work.
- (iv) Such casual labourers who acquire temporary status will not however, be brought on to the permanent establishment unless they are selected through regular selection process for Group 'D' Posts.

9. The above rule no doubt impose no restriction for conferment of temporary status to those who had not been recruited through employment exchange. But while interpreting the said rule the Hon'ble Supreme Court in their common judgement in Civil Appeal No. 3168/2002

(Ext.-C) between Union of India-Versus-Mohanlal etc. came to hold that the Scheme of 1993 is not an ongoing scheme and temporary status can be conferred on casual labourers under that scheme only on fulfilling the conditions incorporated in clause 4 of the scheme, namely they should have been casual labourers in employment as on the date of commencement of the scheme and they should have rendered continuous service of at least one year. In an earlier case Between Passport Officer, Trivendrum & Others-Versus-Venugopal C & Others the Hon'ble Supreme Court have observed that if the Department decides that only such employees who are recruited in normal manner through the employment exchange shall be given temporary status, no fault can be found with the Department. In the above light the DoPT in its Office Memorandum No. 49014/2/93 dated 12-7-1994 has clarified with reference to its earlier O.M. No. 51016/2/90 dated 10-9-1993 that since it is mandatory to engage casual employees through employment exchange, the appointment of casual employees without employment exchange is irregular. Hence, such casual employees can not be bestowed with temporary status. Since in their evidence the Union witness have categorically admitted that they were not recruited through employment exchange, that itself is sufficient to say that they have got to no right to claim temporary status under the scheme. Accordingly I find no merit in the claim of the Union.

10. The reference is answered accordingly on contest.

N. K. R. MOHAPATRA, Presiding Officer

LIST OF WITNESSES EXAMINED ON BEHALF OF THE 2ND PARTY-UNION

W.W.-1- Shri Ajaya Kumar Pattnaik.

W.W.-2- Shri Kanhei Bhoi.

LIST OF DOCUMENTS EXHIBITED ON BEHALF OF THE 2ND PARTY-UNION

- Ext.-1- Copy of DoPT O.M. No. 51016/2/90-Estt. (C) dated 10-9-1993
- Ext.-2- Copy of letter No. F.13/24/2002-Admn. II dated 16-8-2002 issued by the Director, ASI, New Delhi.
- Ext.-3- Copy of the letter issued by the Director, DoPT dated 6-6-2002.
- Ext.-4- Copy of letter No 77/2/XII/03-CC, dated 31-10-2003 issued by the Suprintending Archaeologist, ASI, Bhubaneswar.
- Ext.-5- Copy of Memorandum of Settlement dated 18-10-2004.
- Ext.-6- Copy of letter No. 35/CIFA/Estt./96-3846(21), dated 8-11-1996 issued by the Administrative Officer, CIFA, Bhubaneswar.

LIST OF WITNESSES EXHIBITED ON BEHALF OF THE 1ST PARTY-MANAGEMENT

M.W.-1- Shri Madan Mohan Mishra.

LIST OF DOCUMENTS EXHIBITED ON BEHALF OF THE 1ST PARTY-MANAGEMENT

Ext.-A-Circular of the Government of India, Archeological Survey of India.

Ext.-B-Clarification issued by the DoPT.

Ext.-C-Judgement of the Hon'ble Supreme Court of India C.A. No. 3168 of 2002.

Ext.-D-Circular of DoPT.

नई दिल्ली, 3 मार्च, 2009

का.आ 775.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कैंटोन्मेन्ट बोर्ड के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/अप्युअल नं. 11 मुम्बई के पंचाट (संदर्भ संख्या सीपीआईटी-2/4 ऑफ 2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-3-2009 को प्राप्त हुआ था।

[सं. एल-13011/5/2001-आई आर(डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 3rd March, 2009

S.O. 775.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT-2/4 of 2002) of the Central Government Industrial Tribunal-cum-Labour Court, No. 11 Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Cantonment Board and their workman, which was received by the Central Government on 3-3-2009.

[No. L-13011/5/2001-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT: A. A. Lad, Presiding Officer

Reference No. CGIT-2/4 of 2002

Employers in Relation to The Management of
Cantonment Executive Officer Cantonment Board, Pune

The Cantonment Executive Officer Cantonment Board
Golibar Maidan Opp. Cantonment General Hospital,
Shankar Seth Road, Pune—411001.

AND THEIR WORKMEN

The General Secretary

Pune Cantonment Karmachari Sangh Store Yard
Jan Mohammad Street Babajan Chowk,
Pune-411001.

Appearances:

For the Employer : Mr. P.G. Hartalkar
Advocate
For the Workmen : Mr. P.V. Sathaye
Advocate

Mumbai, dated 27th January, 2009.

AWARD

The Government of India, Ministry of Labour, by its Order No. L-13011/5/2001/IR(DU) dated 23-11-2001 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication:

"Whether the demand of the Pune Cantt. Karmachari Sangh, Pune that Sh. Prakash Gurayya, son of Shri Rayappa Gurayya being the next kin of an ex-employee of the Cantt. Board, Pune retired/died be given preference in providing employment under clause 7 of the settlement dated 1-10-65 is legal and justified? If yes, then to what relief the concerned person is entitled to and from which date?"

2. To justify the claim in the reference, second party filed claim statement at Ex-11-A making out case that, settlement took place in 1965. As per said settlement, one of the heirs of the workman can be accommodated in the employment of first party on compassionate ground. As per said settlement Sh. Prakash Gurayya, son of Shri Rayappa Gurayya is entitled to get employment with first party. Shri Rayappa Gurayya was working as Safai Karmachari with first party and he was discharged from service on 26-11-1991 as declared medically unfit. Accordingly Shri Rayappa Gurayya father of Prakash Gurayya submitted application on 16-12-1991 to first party and requested to take his son in the employment in his place. However he was not considered. So dispute was raised by union by approaching ALC (C) which ended in failure.

3. It is case of the union that, Prakash Gurayya son of Rayappa Gurayya ought to have called for interview and ought to have verified his credentials for but he was not considered. So it is prayed that, he be appointed as a Safaiwala with immediate effect.

4. This is disputed by first party by filing reply at Ex-16-A stating that, General Secretary of union has no

locus-standi to file claim statement. Said union is not party to the terms of settlement. This Court has no jurisdiction to entertain the claim. It is further stated that, settlement took place as there was no statutory provisions about the recruitment of employees and service conditions with first party. It is stated that father of Prakash Gurayya i.e. Rayappa Gurayya was declared medically unfit w.e.f. 26-11-1991 and his name was struck off from the muster roll of establishment of first party. Since Rayappa Gurayya retired on medical ground, his son is not entitled to appointment on compassionate ground. Circular dated 09-10-1998 indicates specific rules for recruitment and benefits to workers. As per said circular, son of Rayappa Gurayya is not entitled to get employment with first party. So it is prayed that, prayer prayed by union be rejected.

5. Second party filed rejoinder at Ex-33 taking the same stand taken in the claim statement.

6. In view of above pleadings issues were framed at Ex-48 which are answered as follows :

Issues	Findings
(i) Whether Prakash Gurayya S/o Rayappa Gurayya being the next kin an ex-employee of Cantonment Board can claim employment under Clause 7 of Settlement dated 1-10-1965 with first party ?	No.
(ii) What order ?	As per order below.

REASONS

Issue No. 1 :—

7. To justify the demand, second party did not lead any evidence. Against that, first party has filed affidavit of one Asha Subash Baglane Ex-67 making out case that, son of Rayappa Gurayya is not entitled for employment with first party. Though matter was kept for cross-examination of this witness, nobody appeared for second party to take the cross-examination of first party's witness. Averments made by first party in the affidavit remained unchallenged. Besides no evidence is lead by claimant to justify the claim. No any word is uttered by second party by stepping into witness box. So I conclude that, second party failed to establish that, Prakash Gurayya Son of Rayappa Gurayya is entitled for employment with first party. So I answer this issue in the negative and passes following order :

ORDER

Reference is rejected with no order as to its costs.

Dated: 27-01-2009

A. A. Lad, Presiding Officer

सं. एल. 42012/201/2002-आई आर(सी-II)]

का.अ. 776.—औद्योगिक विवाद अधिनियम, 1947 (1947

का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार एवं बीत्वा रीवर बोर्ड, सिविल वर्क्स विभाग के प्रबंधन के संबंध विवादों और उनके कार्यवाही के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, लखनऊ के पंचाट (रेफरेंस संख्या 21/2003) को प्रसारित करती है, जो केन्द्रीय सरकार को 5-3-2009 को प्रकाश हुआ था।

[सं. एल-42012/201/2002-आई आर(सी-II)]

अजय कुमार गौर, डेस्क अधिकारी

New Delhi, the 5th March, 2009

S.O. 776.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the order dated 21/2003 of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow as directed by the Government in the industrial dispute between the management of Betwa River Board, Civil Works Division and their workmen, resolved by the Central Government on 5-3-2009.

[No. L-42012/201/2002-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

Present : Shri N. K. Purohit, Presiding Officer

I. D. NO. 21/2003

Ref. No. L-42012/201/2002-IR(CM-II)

Dated : 28-1-2003

BETWEEN:

Shri Ambika Prasad, State General Secretary
Bhartiya Mazdoor Sangh, Uttar Pradesh
2, Naveen Market
Kanpur (U.P.)—208001
(Representing case of Shri Arjun Singh)

AND

1. The Chief Engineer
Betwa River Board
New Empura Colony
Jhansi.

2. The Executive Engineer
Civil Works Division
Rajghat
Lalitpur (U.P.)

AWARD

19-02-2009

1. By order No. L-42012/201/2002-IR(CM-II) dated : 28-1-2003 the Central Government in the Ministry of Labour, New Delhi in exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute between Shri Ambika Prasad, State General Secretary, Bhartiya Mazdoor Sangh, Uttar Pradesh; 2, Naveen Market, Kanpur (Espousing case of Shri Arjun Singh) and the Chief Engineer, Betwa River Board, Nandanpura Colony, Jhansi & the Executive Engineer, Civil Works Division, Rajghat, Lalitpur for adjudication.

2. The reference under adjudication is :

“क्या चीफ इंजीनियर, बेतवा रिवर बोर्ड, झांसी द्वारा श्री अर्जुन सिंह पुत्र श्री लखू को दिनांक 30-09-2001 के अपरान्त से 60 वर्ष की आयु मानकर सेवानिवृत्त कर दिया जाना न्यायोचित है ? यदि नहीं, तो संबंधित कर्मकार किस अनुतोष का हकदार है ?”

3. The admitted case of the parties is that the workman Arjun Singh was appointed on the post of Chowkidar with the opposite parties. The workman being illiterate had no documentary proof in support of his age and accordingly submitted his Horoscope to cater the need. Later at the instance of the management the workman appeared before Chief Medical Officer for assessment of his age and the CMO, Lalitpur vide his certificate dated 23-3-1994, assessed workman's age as 48 years on 23-3-1994.

4. As per averments of the workman the para 10.2.4 of the Service Rules/Manual provides that if date of birth of an employee is incorrect then his age shall be assessed by Medical Officer and the age so assessed shall be entered into the service record, accordingly his age was recorded as 48 years in his service book, duly encircling the previous date of birth, recorded on the basis of Horoscope and his newly assessed age was used for various purposes i.e. seniority etc. The workman has alleged that before passing the impugned order dated 29-8-2001, the Executive Engineer vide their letter dated 24-8-2001 sought clarification from Superintending Engineer, Rajghat, Bandh Circle over, the ambiguity arising due to two date of birth being mentioned in the service book of the workman, but no clarification was forwarded on behalf of Superintending Engineer till date. The workman has also submitted that he as well as his Union vide their representation dated 29-8-2001 and 1-9-2001 respectively, represented against retirement notice dated 29-8-2001, without any results. The workman has further stated that as per assessment of his age by CMO on 23-3-1994 as 48 years, his date of birth comes to 23-3-1946 and accordingly the date of superannuation in respect of the workman on attaining age of 60 years comes

to 23-3-2004, but the management illegally and arbitrarily passed the impugned order dated 29-8-2001 whereby the workman was retired w.e.f. 30-9-2001 (A/N) prior to attainment of his age of superannuation. Accordingly the workman has prayed that the impugned order dated 29-8-2001 be quashed and direct the management to treat him in service with all consequential benefits.

5. The Management of Betwa River Board has disputed the claim of the workman that his age on the basis of certificate dated 23-3-1994 of the CMO was entered into his service records, as the said examination before CMO was not carried out in presence of any officer of the department. Accordingly when at the time of retirement his age to be 48 years was found on his service book without any counter signature of any Competent Authority then on basis of doubt, the workman was directed to appear before Medical Board, Jhansi for assessment of his age in presence of a Gazetted Officer of the department and the age of the workman in the said assessment was declared to be 60 on 29-9-2001 vide their certificate dated 29-9-2001. It has been submitted that the management that after assessment of the age of the workman to be 60 years by the Medical Board on 29-9-2001, he was issued retirement notice dated 29-9-2001 and accordingly he was retired on 30-9-2001 (A/N) and there is no illegality in its as the certificate issued by Medical Board supersedes all other certificates issued by inferior bodies. The management has also pointed out that the age of the workman, in the seniority list, has been mentioned on the basis of certificate issued by CMO which stands cancelled after issuance of certificate by the Medical Board accordingly the workman is not supposed to be entitled for any relaxation for said mention in the seniority list. Accordingly the management has prayed that the claim of the workman be rejected out rightly without any relief whatsoever.

6. The workman has filed rejoinder and has not uttered anything new apart from reiterating the facts already stated by him in the statement of claim.

7. The parties have filed documentary evidence in support of their respective claim. The workman has examined himself in support his case and he was cross-examined also; whereas the management of Betwa River Board examined Mohd. Alam, Assistant Engineer who was not cross-examined by the workman in spite of giving opportunity although he was cross-examined by the Court. The management produced another witness viz. Shri K. C. Sharma, Stenographer, CMO Office, Jhansi, who was cross-examined by the workman. The parties have forwarded oral arguments apart from written argument.

8. Heard learned representatives of both the parties and perused the evidence on record.

9. The learned representative on behalf of workman has contended that the impugned order dt. 29-8-2001 has

been passed by the management illegally and arbitrarily, whereby he was retired on 30-9-2001 prior to attainment of his age of superannuation. He has further contended that as per medical report of the CMO dt. 23-3-1994, the age of the workman on the said date has been mentioned in his service record as 48 years and on this basis, of which the age of the workman was shown as 52 years in the seniority list dt. 21-9-1999. Subsequently the management directed the workman to appear before the medical board for re-medical examination for determination of his age. The above action of the management is arbitrary and in violation of the relevant rules in this regard. He has also referred an order issued by the U.P. Government's dt. 20-8-1971 pertaining to the entries of date of birth and determination of age and U.P. Government workmen Gratuity scheme.

10. Per contra, the learned representative on behalf of the opposite party has urged that at the time of medical examination of the workman on 23-3-1994, none was present on behalf of the department. On perusal of service record of the workman, it reveals that there was no counter signature of any competent authority with regard to entries of age mentioned on the basis of the report of the CMO as such it created doubt and the workman was directed to appear before the medical board, Jhansi for determination of his age in presence of a gazetted officer of the department and on the basis of the medical report of the Board consisting of 5 doctors, the impugned order of the retirement has been passed considering his age to be 60 years as on 29-9-2001. He has also urged that there is no illegality in the order as certificate issued by the medical board supercedes the certificate of age issued by the CMO. He has also relied on (2000) 8 SCC 696 GM, Bhansi Cooking Coal Ltd. vs. Shib Kumar Dushad and others in support of his contention.

11. I have given my thoughtful consideration on submission given by both sides.

12. The workman has stated that he was appointed as Chowkidar on 3-12-1980 and his date of birth 5-9-1941 was entered in his service record as per the Horoscope submitted by him. He has further stated that he was directed to appear before the CMO, Lalitpur for determination of his age vide letter dt. 21-3-1994 and as per the report of the CMO his age was 48 years in the year 1994. He has also stated that his age was shown 52 years in the seniority list dt. 21-9-1999 on the basis of said report. He has alleged that he was to be retired in the year 2006, whereas he had been retired in the year 2001 on the basis of report of the medical board dt. 29-9-2001.

13. In rebuttal, the management witness Mohd. Alam, Assistant Engineer has stated on oath that 5-9-1941 as date of birth of the workman, was mentioned in his service record on the basis of his Horoscope, whereas as per the report of the CMO, Lalitpur age of the workman was 48 years as on 23-3-1994. Thus, on being not satisfied with

the report, the workman was directed to appear before the medical board, Jhansi. After medical examination of the workman, the medical board found his age 60 years as on 29-9-2001. The management witness Sh. K. C. Sharma, SDO has been examined to prove the said report dt. 29-9-2001.

14. The question thus arises for consideration is as to whether retiring the workman on 30-9-2001 on the basis of the report of the medical board dt. 29-9-2001, is justified?

15. The relevant service rules pertaining to recording of date of birth have been referred in the statement of claim. Rule 10.2.4 envisages that in case of illiterate workman, he should be required to produce some documentary evidence, if available for example an extract from Municipal birth register, Baptismal certificate etc. where no such proof is available, the worker on entering service, should declare his date of birth which should not differ from any declaration expressed or implied made for any public purpose before entering into service in Board. Similarly, Rule 10.2.4 envisages that where the person concerned is unable to state his age or the age stated by him is obviously incorrect, it should be got assessed by the Medical Officer.

16. A copy of the U.P. Government Employee Gratuity Scheme has also been placed on record, which envisages that for the purpose of determining age, the date of birth of a workman shall be the date given in the High School certificate in absence of above as entered in the Provident Fund record and in absence of both then as estimated by the Civil Surgeon. Above provision in the scheme are relevant for determination of age in the matter pertaining to Gratuity. A copy of letter dt. 20-8-1971 issued by the Commissioner and Secretary, U.P. Government to all head of the departments is also on the record which envisages that where the date of birth recorded in service book, which has been attested and stood unchallenged for a number of years, it should not be altered except in very exceptional circumstances.

17. In present case, admittedly, the workman was illiterate and his date of birth 5-9-1941 was mentioned in his service record on the basis of his Horoscope submitted by him. The copies of the service book and Horoscope is on the record. From the perusal of the above, it appears that as per letter of the CMO dt. 23-3-1994, the age of the workman has been mentioned in his service record as 48 years including the earlier date of birth 5-9-1941 mentioned on the basis of Horoscope. But above endorsement was not counter signed by any competent authority. Moreover, this endorsement has been made after 53 years from the year of his entering in service. It is evident from the record that the workman has not challenged his date of birth i.e. 5-9-1941 mentioned on the basis of his Horoscope. He had never questioned the genuineness of the Horoscope. After medical examination of the workman by the medical board consisting of 5 doctors, the report dt. 29-9-2001 has been submitted whereby the age of the workman was found to be

60 years in the 2001. It is pertinent to mention that there is no inconsistency in the age mentioned by the workman in his Horoscope and the age mentioned in above report of the medical board. It is not the case of the workman that his Horoscope was not correct or his age as mentioned on the basis of Horoscope was not correct. It is also not the case of the workman that there was any arithmetical or typographical error on the face of the record mentioning his age in his service book.

18. The matter, however, could have been different had the management retired the workman prior to the date of his superannuation on the basis of the date of birth mentioned in his Horoscope. But in instant case, the workman had been retired on 29-8-2001 and the date of birth initially mention in his service record was 5-9-1941 thus, on the basis of his own Horoscope he was to be retired in the year 2001 and as per medical board's report also, he was to be retired in the year 2001. The workman is now estopped from retracting his declaration of age based on his Horoscope at the time of joining service.

19. Since, there was discrepancy of about 6 years in the date of birth mentioned in his service record on the basis of workman's Horoscope and the report of the CMO, Lalitpur and entry pertaining to report of the CMO were not counter-signed by any competent authority, the action of the opposite party to direct the workman to appear before the medical board for his medical re-examination for determination of age, cannot said to be unjustified.

20. In view of the above discussions the impugned order pertaining to retirement of the workman Arjun Singh on 30-9-2001 considering his age as 60 years is not unjustified. Thus, the workman is not entitled for any relief.

21. The reference under adjudication is answered accordingly.

22. Award as above.

Lucknow. N. K. PUROHIT, Presiding Officer

नई दिल्ली, 5 मार्च, 2009

क्र.अ. 777 — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हिन्दुस्तान कॉपर लि. के प्रबंधन के संबंध में निम्नलिखित और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/जयपुर के पंचाट (संदर्भ संख्या सी.आई.टी. 54/96) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-3-2009 को प्राप्त हुआ था।

[सं. एल-43012/3/1996-आई आर (एम)]

कमल बाखरु, डेस्क अधिकारी

New Delhi, the 5th March, 2009

S.O. 777 — In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

992 GUCB-20

Government hereby publishes the award (Ref. No. C.I.T. 54/96) of the Industrial Tribunal Jaipur now as shown in the Annexure, in the Industrial Disputes between the employers in relation to the management of Hindustan Copper Ltd. and their workman, which was received by the Central Government on 5-3-2009.

[No. L-43012/3/1996-IR (M)]

KAMAL BAKHRU, Desk Officer

अनुबंध

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर

केस नं. सी.आई.टी. 54/96

रिफरेंस : केन्द्र सरकार, श्रम मंत्रालय, नई दिल्ली का आदेश क्र सं. एल-43012/3/96-आई आर (विधि) दि. 13-11-96 श्री विष्णु कुमार शर्मा पुत्र श्री रामस्वरूप शर्मा, खेतड़ी नगर (मृतक) खरिये श्री कृष्ण कुमार, झाला।

-----प्रार्थी

कमल

एग्जीक्यूटिव डायरेक्टर, हिन्दुस्तान कॉपर लि., खेतड़ी कॉपर कॉम्प्लेक्स, खेतड़ी नगर, झुंझुनू।

-----अप्राथी

उपस्थित

पीठासीन अधिकारी : श्री गीतम प्रमोद शर्मा, आर.एच.जे. एस.

प्रार्थी की ओर से : कोई उपस्थित नहीं

अप्राथी की ओर से : श्री मनोच कुमार शर्मा

दिनांक अवार्ड : 7-8-2008

अवार्ड

1. केन्द्र सरकार, श्रम मंत्रालय नई दिल्ली ने उपरोक्त आवेदन से निम्न अनुसूची का विवाद इस न्यायाधिकरण को अधिनियोजित हेतु निर्देशित किया है :

"Whether the action of the management of Khetri Copper Complex, Hindustan Copper Ltd., Khetri Nagar, Dist Jhunjhunu is justified, in terminating the services of Shri Vlahnu Kumar (workman) w.e.f. 30-8-92, (A/N) after employing him as Casual workman w.e.f. 20-3-85 to 30-8-92, intermittently without giving any opportunity of employment before employing workmen junior to him, in violation of Section 25-H of the I.D. Act is justified? If not, to what relief the workman is entitled and from what date?"

2. प्रार्थी श्रमिक की ओर से विवाद के समर्थन में निम्न तथ्यों का स्टेटमेंट ऑफ क्लेम पेश हुआ कि श्रमिक ने अप्राथी नियोजक के यहां आकस्मिक श्रमिक के रूप में दिनांक 28-2-85 से कार्य करना

प्रारंभ किया जो कार्य वह 29-8-92 तक करता रहा किन्तु नियोजक ने 30-8-92 से उसे कोई कार्य करने बिना काम पर लेने से इनकार कर दिया व सेवा से पृथक् कर दिया। इस संबंध में श्रमिक ने नियोजक के यहाँ प्रतिवेदन भी दिया किन्तु उनके द्वारा कोई कार्यवाही नहीं की गई तब विवाद श्रमिक की ओर से सहायक श्रम आयुक्त (केन्द्रीय) के यहाँ प्रस्तुत किया किन्तु उक्त विवाद में भी समझौता नहीं होने पर इस अनुसूची का विवाद अधिनियम हेतु इस अधिकरण में भेजा गया है। आगे कथन रहा है कि श्रमिक की सेवा समाप्ति क्लेम के चरण सं. 5 के पैरा '1' से वर्णित '6' के अनुसार अनुचित एवं अवैध है क्योंकि श्रमिक दिनांक 28-2-85 से 29-8-92 तक निरन्तर कार्य कर रहा था लेकिन उसने बिना कोई कारण बताये व बिना कोई जांच किये तथा बिना एक माह का नोटिस या नोटिस वेतन व छंटनी का मुआवजा दिये सेवा पृथक् कर दिया जो धारा 25 एफ औद्योगिक विवाद अधिनियम, 1947 (जिसे निर्णय में आगे मात्र अधिनियम लिखा जायेगा) का उल्लंघन है। इसी तरह से नियोजक ने प्रार्थी को सेवा से अलग करते समय नियम 77 के अनुसार आकस्मिक श्रमिकों की कोई वरिष्ठता सूची जारी नहीं की जो किया जाना आवश्यक था। इसी तरह से प्रार्थी से कनिष्ठ श्रमिकों को पदोन्नत व स्थाई कर दिया किन्तु उससे पूर्व प्रार्थी को सेवा का कोई अवसर नहीं दिया। श्रमिक ने एक वर्ष में 240 दिन कार्य नहीं किया तब भी नियोजक के लिए धारा 25 जी की पालना आवश्यक थी। इस तरह से श्रमिक की ओर से स्टेटमेंट ऑफ क्लेम रहा है कि श्रमिक की सेवा समाप्ति अधिनियम की धारा 25 एफ, जी व एच के प्रावधानों के उल्लंघन से नियम 77 के उल्लंघन से अनुचित व अवैध है।

3. नियोजक की ओर से जवाब पेश जिसमें आरंभिक आपत्तियाँ ली गई कि श्रमिक को आकस्मिक कार्यों हेतु समय-समय पर लगाया गया था एवं उक्त कार्य के पूर्ण होने पर उसकी सेवाएं स्वतः ही समाप्त हो गई थीं। इस तरह से प्रार्थी की सेवा मुक्ति छंटनी की परिभाषा में नहीं आती है और धारा 2(00) (बीबी) अधिनियम के प्रावधानों के अनुसार नियोजन को प्रारंभ और समाप्त होना था। मद्द्वा जवाब देते हुए बताते कि प्रार्थी ने नियोजक के यहाँ 23-1-85 से 30-8-92 की अवधि में संधि अनुसार समय-समय पर कार्य किया जो कार्य आकस्मिक व उपलब्ध कार्यों पर किया। प्रार्थी की सेवा समाप्ति के एक वर्ष पूर्व 240 दिन की नहीं रही। इस तरह से प्रार्थी क्योंकि संधि स्वरूप व समय-समय पर एक निश्चित अवधि व निश्चित वेतन पर आवश्यक कार्य हेतु सेवाएँ थे, अतः प्रार्थी के मामले में धारा-25 एफ, जी व एच अधिनियम के प्रावधानों का उल्लंघन होना नहीं पाया जाता है।

5. साक्ष्य में प्रार्थी स्वयं का शपथ पत्र पेश हुआ है जिससे अप्रार्थी प्रतिनिधि ने खिरह की तथा अपने शपथ पत्र के समर्थन में प्रदर्श डक्यू-1 से डक्यू-52 दस्तावेज पेश किये। अप्रार्थी की ओर से रावदा श्री जगदीश लात व श्री सतपाल के बयान शपथ पत्र के रूप में कराये जिससे प्रार्थी की ओर से खिरह की गई एवं प्रदर्श एम-1 से एम-5 दस्तावेजात पेश किये।

6. प्रकरण में प्रार्थी बिजु नुमार की मृत्यु हो चुकी है और श्री कृष्ण कुमार भाई मृतक प्रार्थी श्रमिक को विधिक वारिस बनाया

गया है। यहाँ यह भी उल्लेख करना समुचित होगा कि रैफरेंस में प्रार्थी की अप्रार्थी के यहाँ कार्य अवधि 20-3-85 से 30-8-92 दर्शाई गई है जबकि स्टेटमेंट ऑफ क्लेम में प्रार्थी का दिनांक 28-2-85 से 29-8-92 तक अप्रार्थी के यहाँ काम करना बताया गया है और इस संबंध में रैफरेंस में कोई संश्लेषण भी नहीं कराया गया है।

7. प्रार्थी प्रतिनिधि उपस्थित नहीं आये अतः अप्रार्थी की बहस सुनी, पत्रावली का अवलोकन किया। प्रकरण में मेरे संक्षेप निम्न बिन्दु तय करने हेतु हैं:

1. क्या प्रार्थी श्रमिक ने विपक्षी संस्थान में दिनांक 20-3-85 से आकस्मिक श्रमिक के रूप में उसकी सेवा मुक्ति की दिनांक 30-8-92 तक निरन्तर कार्य किया?
2. क्या प्रार्थी की सेवा समाप्ति अधिनियम की धारा 25- एफ, जी, एच व औद्योगिक विवाद केन्द्रीय विधम, 1957 के नियम 77-78 का उल्लंघन कर की गई?
3. क्या प्रार्थी की सेवा मुक्ति छंटनी की परिभाषा में नहीं आती और धारा 2(00) (बी बी) अधिनियम के अनुसार प्रार्थी का नियोजन आरंभ व समाप्त होना था?
4. अनुलोच?

8. अप्रार्थी प्रतिनिधि ने अपनी बहस में बताया कि प्रार्थी स्वयं ने अपने को आकस्मिक श्रमिक होना स्वीकार किया है। इसके अतिरिक्त अप्रार्थी की ओर से ऐंजेजमेंट आदेश भी पेश हुआ है अतः कार्य समाप्त होने की उसकी नियुक्ति समाप्त होना माना जाये। प्रार्थी की नियुक्ति ऐंजेजमेंट आर्डर के अनुसार हुई, इस तथ्य को प्रार्थी ने खिरह में भी स्वीकार किया है। उनकी आगे बहस है कि प्रार्थी का नियोजन "कान्ट्रैक्ट ऑफ सर्विस" था न कि "कान्ट्रैक्ट ऑफ सर्विस"। उनकी आगे बहस है कि वरिष्ठता सूची प्रदर्श डक्यू-1 को प्रार्थी ने स्वीकृत नहीं किया है। इस तरह से प्रार्थी को कि आकस्मिक श्रमिक के रूप में नियुक्त हुआ था तथा अप्रार्थी संस्थान में आकस्मिक श्रमिकों की नियुक्ति हेतु स्थापित श्रम नियोजन विभाग से प्राप्त सूची के अनुसार अर्थात् "कैम्पुअल लेबर पूल" में से प्रार्थी की नियुक्ति की गई थी। आकस्मिक नियोजन के मामलों में वरिष्ठता सूची जारी करना व धारा 25-एफ, जी व एच अधिनियम आदि की पालना कर्ता आवश्यक होता नहीं बताया। अतः प्रार्थी का क्लेम खारिज होने योग्य बताया। अपने तर्कों के समर्थन में विद्वान प्रतिनिधि ने दृष्टान्त (1) 2005 एन.एल.एल. (एस.सी.) एस.पी. जूरीविजिटी बोर्ड बनाम डीएम व अन्य तथा (2) (2005) 8 एन.सी.सी. 750 सुप्रीम नगर डिस्ट्रिक्ट पंचायत विरुद्ध आयाबाई अमरसिंह पेश किये।

9. मैंने बहस पर गौर किया। जो निर्णय किन्तु प्रकरण में बनाये गये हैं। उनके संबंध में क्रमशः मेरा विनिश्चय इस तरह से है :-

निर्णय बिजु सं. 1 :

10. प्रकरण में प्रार्थी श्रमिक ने अप्रार्थी के यहाँ जो कार्य किया उसके संबंध में कार्य संबंधी आवेद पेश हुए हैं जिनके अनुसार प्रार्थी ने भिन्न-2 वर्षों में कार्य किया जो अवधि किसी माह में 4 दिन, किसी

माह में 5 दिन, तथा किसी माह में 10 दिन आदि रही है। कार्य नियुक्ति सिंधि से सेवा मुक्ति की दिनांक तक निरंतर किया हो, ऐसा प्रकरण में नहीं पाया गया है। सेवा मुक्ति से पिछले एक वर्ष में लगातार 240 दिन कार्य किया हो, ऐसा भी कोई साक्ष्य पत्रावली पर नहीं है। स्टेटमेंट ऑफ क्लेम तथा प्रार्थी का जो शपथ पत्र पेश हुआ उसमें भी प्रार्थी का यह कथन नहीं है कि उसने सेवा समाप्ति के एक वर्ष पूर्व की अवधि में 240 दिन लगातार कार्य किया हो। प्रार्थी की ओर से जो दृष्टान्त पेश हुए उनमें से अधिकतर मामलों में प्रार्थी की सेवा मुक्ति से पूर्व एक वर्ष की अवधि में 240 दिन लगातार कार्य करने के तथ्य सिद्ध पाये गये हैं किन्तु हस्तगत प्रकरण में ऐसा नहीं पाया गया है। प्रार्थी की नियुक्ति दैनिक वेतन भोगी कर्मचारी के रूप में रही है। दृष्टान्त सुरेन्द्र नगर डिस्ट्रिक्ट पंचायत बनाम धायाबाई अमरसिन के चरण सं. 18 में वर्णित अनुसार माननीय सर्वोच्च न्यायालय ने माना कि कर्मकार के लिए यह बताया जाना आवश्यक है कि उसने उसकी सेवा समाप्ति से पहले वर्ष में 240 दिन लगातार कार्य किया हो, जो इस प्रकरण में नहीं पाया गया है। अतः यह निर्णय बिन्दु प्रार्थी की ओर से सिद्ध होना नहीं पाया गया है और उसके विरुद्ध निर्णित किया जाता है।

निर्णय बिन्दु सं. 2 :

11. इस निर्णय बिन्दु में यह देखना है कि क्या अप्राथी ने प्रार्थी की सेवा समाप्ति की तब धारा 25-एफ, जी व एच अधिनियम तथा औद्योगिक विवाद (केन्द्रीय) नियम 1957 (जो कि निर्णय में आगे मात्र नियम कहलायेगा) के नियम 77-78 का उल्लंघन करते हुए की गई है। धारा 25-एफ अधिनियम के लिए यह आवश्यक है कि किसी कर्मकार की सेवा समाप्ति से पिछले वर्ष यदि उसकी सेवा लगातार 240 दिन या उससे अधिक है तब धारा 25-एफ अधिनियम की पालना किया जाना आवश्यक है किन्तु हस्तगत प्रकरण में प्रार्थी द्वारा लगातार 240 दिन की सेवा होना नहीं पाया गया है। धारा 25-जी अधिनियम में छंटनी की प्रक्रिया संबंधी प्रावधान है जिसके अनुसार यदि ऐसा कर्मकार जो किसी विशेष श्रेणी का हो, तो नियोजक के लिए आवश्यक है कि सबसे नीचे वाले कर्मकार की छंटनी पहले करे अर्थात् नियोजक द्वारा नियोजन में रहे श्रमिकों की वरिष्ठता सूची रखे एवं उक्त वरिष्ठता सूची में जो सबसे नीचे है उनकी सेवा सबसे पहले समाप्त करे। हस्तगत प्रकरण में श्रमिक की ओर से कोई वरीयता सूची पेश नहीं की गई है और न ही ऐसी कोई सूची पेश करवाने का प्रयास किया गया है। ऐसी कोई वरीयता सूची थी, यह भी श्रमिक की ओर से सिद्ध नहीं हो पाया है। इसके अतिरिक्त प्रार्थी दैनिक वेतन भोगी कर्मचारी के रूप में नियुक्त था तथा उसकी नियुक्ति 15 दिन से अधिक के लिए नहीं की गई थी जो विशेष कार्य एवं निश्चित अवधि के लिए थी। दृष्टान्त सुरेन्द्र नगर डिस्ट्रिक्ट पंचायत विरुद्ध धायाबाई अमरसिन में माननीय उच्चतम न्यायालय ने प्रतिपादित किया है कि जहां दैनिक वेतन भोगी/आकस्मिक कर्मचारी नियुक्त किये जाते हैं उन मामलों में नियोजक से यह अपेक्षा नहीं की जाती कि वे ऐसे कर्मचारियों की वरिष्ठता सूची बनावें। प्रार्थी के जो बयान हुए हैं उनको भी मैंने देखा है। प्रार्थी के बयानों में यही आया है कि उससे कनिष्ठ की सेवाएं समाप्त नहीं

कर उसकी सेवाएं समाप्त की गई हैं। इसके विपरीत अप्राथी की ओर से श्री जगदीश लाल का शपथ पत्र पेश हुआ है जिन्होंने श्रमिक के संबंध में जारी किये गये कार्य आदेश पेश किये हैं तथा उनके कथनों में आया है कि उन्होंने किसी भी कनिष्ठ को नहीं हटाया है तथा यह भी बताया है कि प्रार्थी श्रमिक को एक निश्चित अवधि के लिए लगाया गया था एवं उक्त अवधि समाप्त होने पर उसकी सेवाएं स्वतः ही समाप्त हो गई थी। इस समस्त विवेचन से मेरा निष्कर्ष है कि धारा-25 जी अधिनियम का उल्लंघन भी हस्तगत प्रकरण में नहीं पाया गया है तथा आकस्मिक श्रमिकों के रूप में, जैसा कि उपर विवेचित अनुसार माननीय उच्चतम न्यायालय के दृष्टान्त को देखने से आकस्मिक तौर पर लगाये गये श्रमिकों की वरिष्ठता सूची रखना भी नियोजक के लिए आवश्यक नहीं है।

12. निर्देश जो प्रेषित हुआ उसकी भाषा के अनुसार क्या नियोजक ने प्रार्थी को पुनः नियोजन देने का अवसर दिये बिना उससे कनिष्ठ व्यक्तियों को नियोजन में लिया, इस संबंध में जैसा कि उपर विवेचित हुआ है, कोई वरीयता सूची अस्तित्व में भी थी, ऐसा भी नहीं पाया गया है। आकस्मिक श्रमिकों के संबंध में वरिष्ठता सूची का संधारण किया जाना भी नियोजक से अपेक्षित नहीं माना गया है। प्रार्थी ने अपने बयानों में स्वयं से कनिष्ठ किन किन श्रमिकों को काम पर रखा, नहीं बताया गया है। दृष्टान्त सुरेन्द्र नगर डिस्ट्रिक्ट पंचायत विरुद्ध धायाबाई अमरसिन (उपर वर्णित) के अनुसार आकस्मिक श्रमिकों के संबंध में वरिष्ठता सूची की अपेक्षा नियोजक से नहीं की जा सकती तथा ऐसी किसी वरिष्ठता सूची के अभाव में धारा 25-एच का उल्लंघन होना भी नहीं माना गया है। नोट 'एच' के अनुसार जहां नियोजक की ओर से वरिष्ठता सूची पेश नहीं की गई हो, ऐसे मामलों में प्रतिकूल अवधारणा तभी ली जा सकती है जब ऐसी वरिष्ठता सूची अस्तित्व में थी, ऐसा श्रमिक द्वारा सिद्ध कर दिया जावे। हस्तगत प्रकरण में श्रमिक की ओर से ऐसा सिद्ध नहीं हो पाया है। अतः प्रकरण में धारा 25-एच अधिनियम का उल्लंघन होना भी प्रार्थी श्रमिक की ओर से सिद्ध नहीं हो पाया है।

निर्णय बिन्दु सं. 3 :

14. इस बिन्दु को सिद्ध करने का भार अप्राथी नियोजक पर था। प्रार्थी के संबंध में जारी कार्यालय आदेश प्रदर्श एम-1 से एम-5 को देखने से प्रार्थी के संबंध में कार्य आदेश 15 दिन से अधिक के लिए कोई जारी नहीं हुए हैं। इस तरह ये कार्य आदेश एक निश्चित अवधि तक के लिए थे तथा अगले कार्य आदेश पहले कार्य के समाप्त होते ही दूसरे दिन दे दिये गये हों, ऐसा भी नहीं पाया गया है। प्रदर्श एम-1 से एम-5 को देखने से प्रार्थी को भिन्न-2 विभागों में एवं भिन्न-2 कार्य हेतु तथा आकस्मिक तौर पर लिया गया है। इस तरह से प्रार्थी की नियुक्ति अर्थात् उसके संबंध में कार्यालय आदेश एक निश्चित अवधि के लिए थे, यह बखूबी पाया गया है। अधिनियम की धारा 2(00) (बीबी) के अनुसार श्रमिक जिनकी सेवा समाप्ति कार्य के संबंध में जारी सविदा की अवधि समाप्त होने के बाद स्वतः ही समाप्त हो जाना पाया गया है। हस्तगत प्रकरण में जो कार्य आदेश (नियुक्ति आदेश) दिये गये हैं वे स्वतंत्र रूप से दिये गये हैं न कि पूर्व के कार्यालय आदेश को नवीनीकरण करते हुए दिये गये हैं। दृष्टान्त

2007 । एल.एल.जे. 696 (एस.सी.) एम.डी. कर्नाटक हैण्डलूम डेवेलपमेंट कॉर्पोरेशन लिमिटेड मजदूरों के लक्षणों के तहत तथा दृष्टान्त 2007 । एल.एल.जे. पेज 717 (एस.सी.) गंगाधर पिल्लई लिमिटेड सीमेंट रिफ़िनेट में इसी संबंध में प्रतिपादित करते हुए माना कि जहाँ ऐसे व्यक्ति किसी आकांक्षिक श्रमिक के रूप में कई वर्षों तक किन्तु कुछ कुछ समय के बाद (इंटरमिटेन्टली) कार्य पर लिया गया उसकी सेवा समाप्ति को बारा 2(00) अधिनियम में वर्णित अनुसार छंटनी नहीं कहा जा सकता तथा बारा 2(बीबी) अधिनियम के अनुसार भी ऐसी सेवा समाप्ति छंटनी की परिभाषा में नहीं आती । अतः वह निर्णय किन्तु अप्रार्थी निरोधक की ओर से विद्वद् होना पता गया है ।

निर्णय किन्तु सं. 4 :

15. यह निर्णय किन्तु अनुलोच से संबंधित है और उपरोक्त विवेचन के आधार पर प्रार्थी किसी अनुलोच का अधिकारी नहीं है अतः निर्देश का उत्तर निम्न प्रकार दिया जाता है :

"खेतड़ी कॉपर कॉम्प्लेक्स हिन्दुस्तान कॉपर लि. के प्रबन्धन द्वारा श्री किन्तु कुमार को दिनांक 20-3-1985 से 30-8-92 तक अंतरिमिक रूप से अस्थायिक श्रमिक के रूप में नियोजित करने के पश्चात् दिनांक 30-8-92 से सेवा समाप्त करना व उससे कनिष्ठ श्रमिकों को नियोजित करने से पहले प्रार्थी को अवसर नहीं देने की कार्यवाही उचित एवं वैध है । प्रार्थी कोई राहत पाने का अधिकारी नहीं है ।"

16. अर्काई आब दिनांक 07-08-2008 को खुले न्यायालय में लिखाया जाकर सुनाया गया जो केन्द्र सरकार को प्रत्यक्षतः निम्नानुसार भेजा जावे ।

नैतम प्रकाश शर्मा, न्यायाधीश

नई दिल्ली, 5 मार्च, 2009

का.आ. 778 — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार हिन्दुस्तान कॉपर लि. के प्रबंधन के संबंध निरोधकों और उनके कार्यवाहों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, जयपुर के पंचट (संदर्भ संख्या सी. आई. टी. 55/96) को प्रकटित करती है, जो केन्द्रीय सरकार को 5-03-2009 को प्राप्त हुआ था।

[सं. एल-43012/2/1996-आई आर(एम)]

कमल कच्छक, डेस्क अधिकारी

New Delhi, the 5th March, 2009

S.O. 778 — In pursuance of Section 17 of the Industrial Disputes Act, 1947 (1947 of 1947), the Central Government hereby publishes the award (Ref. No. C.I.T. 55/96) of the Industrial Tribunal Jaipur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Hindustan Copper Ltd. and their workmen which was received by the Central Government on 5-3-2009.

[No. L-43012/2/1996-IR(M)]

KAMAL BAKHERU, Desk Officer

अनुबंध

केन्द्रीय औद्योगिक न्यायाधिकरण जयपुर

केस नं. सी.आई.टी. 55/96

रैफरीक : केन्द्र सरकार, नई दिल्ली का आदेश क.

एल-43012/2/96-आई.आर. (निर्णय) दि. 13-11-96

श्री रजनीश कुमार शुभ श्री समकालीन शर्मा, आई नं. 279/85

-----प्रार्थी

जनाय

एच.एच.एल. कॉम्प्लेक्स, हिन्दुस्तान कॉपर लि., खेतड़ी कॉपर

कॉम्प्लेक्स, खेतड़ी नगर, गुजरात ।

-----अप्रार्थी

उपस्थित

केन्द्रीय औद्योगिक न्यायाधीश : श्री नैतम प्रकाश शर्मा, आर.एच.जे. एस.

प्रार्थी की ओर से : कोई उपस्थित नहीं

अप्रार्थी की ओर से : श्री मनोज कुमार शर्मा

दिनांक अर्काई : 07-08-2008

अर्काई

1. केन्द्र सरकार, नई दिल्ली ने उपरोक्त आदेश से निम्न अनुसूची का विवाद इस न्यायाधिकरण को अधिनियम हेतु निर्दिष्ट किया है :

"Whether the action of the management of Khetri Copper Complex, Hindustan Copper Ltd. Khetri Nagar, Dist. Jaunpur is justified, in terminating the services of Shri Rajnish Kumar Sharma (workman) w.e.f. 30-8-92, (A/N) after employing him as Casual workman w.e.f. 23-1-85 to 30-8-92, intermittently without giving any opportunity of employment before employing workman junior to him, in violation of Section 25-H of the I.D. Act is justified? If not, to what relief the workman is entitled and from what date?"

2. प्रार्थी श्रमिक की ओर से विवाद के समर्थन में निम्न तथ्यों का स्टेटमेंट ऑफ क्लेम पेश हुआ कि श्रमिक ने अप्रार्थी निरोधक के यहां आकांक्षिक श्रमिक के रूप में दिनांक 23-1-85 से कार्य करना प्रारंभ किया जो कार्य वह 29-8-92 तक करता रहा किन्तु निरोधक ने 30-8-92 से उसे कोई कारण बतावे बिना काम पर लेने से इन्कार कर दिया व सेवा से पृथक् कर दिया । इस संबंध में श्रमिक ने निरोधक के यहां हस्तक्षेप भी दिया किन्तु उसके द्वारा कोई कार्यवाही नहीं की गई तब विवाद श्रमिक की ओर से सहायक क्रम आयुक्त (केन्द्रीय) के यहां प्रस्तुत किया किन्तु उक्त विवाद में भी समझौता नहीं होने पर इस अनुसूची का विवाद अधिनियम हेतु इस अधिकरण में भेजा गया है । आगे कथन रहा है कि श्रमिक की सेवा समाप्ति क्लेम के धरण सं. 5 के पैरा '1' से वर्णित '6' के अनुसार अनुचित

एवं अवैध है क्योंकि श्रमिक दिनांक 23-1-85 से 29-8-92 तक निरन्तर कार्य कर रहा था लेकिन उसने बिना कोई कारण बताये व बिना कोई जांच किये तथा बिना एक माह का नोटिस या नोटिस वेतन व छंटनी का मुआवजा दिये सेवा पृथक कर दिया जो धारा 25 एफ औद्योगिक विवाद अधिनियम 1947 (जिसे निर्णय में आगे मात्र अधिनियम लिखा जायेगा) का उल्लंघन है। इसी तरह से नियोजक ने प्रार्थी को सेवा से अलग करते समय नियम 77 के अनुसार आकस्मिक श्रमिकों की कोई वरिष्ठता सूची जारी नहीं की जो किया जाना आवश्यक था। इसी तरह से प्रार्थी से कनिष्ठ श्रमिकों को पदोन्नत व स्थाई कर दिया किन्तु उससे पूर्व प्रार्थी को सेवा का कोई अवसर नहीं दिया। श्रमिक ने एक वर्ष में 240 दिन कार्य नहीं किया तब भी नियोजक के लिए धारा 25-जी की पालना आवश्यक थी। इस तरह से श्रमिक की ओर से स्टेटमेंट ऑफ क्लेम रहा है कि श्रमिक की सेवा समाप्ति अधिनियम की धारा 25-एफ, जी व एच के प्रावधानों के उल्लंघन से व नियम 77 के उल्लंघन से अनुचित व अवैध है।

3. नियोजक की ओर से जवाब पेश हुआ जिसमें आरंभिक आपत्तियाँ ली गई कि श्रमिक को आकस्मिक कार्यों हेतु समय-समय पर लगता गया था एवं उक्त कार्य के पूर्ण होने पर उसकी सेवाएं स्वतः ही समाप्त हो गई थी। इस तरह से प्रार्थी की सेवा मुक्ति छंटनी की परिभाषा में नहीं आती है और धारा 2(00) (बीबी) अधिनियम के प्रावधानों के अनुसार नियोजन को प्रारंभ और समाप्त होना था। मद्दवार जवाब देते हुए बताया कि प्रार्थी ने नियोजक के द्वारा 23-1-85 से 30-8-92 की अवधि में संविदा अनुसार समय समय पर कार्य किया जो कार्य आकस्मिक व उपलब्ध कार्यों पर किया। प्रार्थी की सेवा समाप्ति के एक वर्ष पूर्व 240 दिन की नहीं रही। इस तरह से प्रार्थी क्योंकि संविदा स्वरूप व समय समय पर एक निश्चित अवधि व निश्चित वेतन पर आवश्यक कार्य हेतु सेवारत था, अतः प्रार्थी के मामले में धारा 25 एफ, जी व एच अधिनियम के प्रावधानों का उल्लंघन होना नहीं पाया जाता है।

4. साक्ष्य में प्रार्थी स्वयं का शपथ पत्र पेश हुआ है जिससे अप्रार्थी प्रतिनिधि ने जिरह की तथा अपने शपथ पत्र के समर्थन में प्रदर्श डबल्यू-1 से डबल्यू-52 दस्तावेज पेश किये। अप्रार्थी की ओर से गवाह श्री जगदीश लाल व श्री सतपाल के बयान शपथ पत्र के रूप में कराये जिससे प्रार्थी की ओर से जिरह की गई।

5. प्रार्थी की ओर से कोई उपस्थित नहीं आया अतः अप्रार्थी के प्रतिनिधि की बहस सुनी, पत्रावली का अवलोकन किया। प्रकरण में मेरे समक्ष निम्न बिन्दु तय करने हेतु है :

1. क्या प्रार्थी श्रमिक ने विपक्षी संस्थान में दिनांक 23-1-85 से आकस्मिक श्रमिक के रूप में उसकी सेवा मुक्ति की दिनांक 30-8-92 तक निरन्तर कार्य किया ?
2. क्या प्रार्थी की सेवा समाप्ति अधिनियम की धारा 25-एफ, जी, एच व औद्योगिक विवाद केन्द्रीय नियम, 1957 के नियम 77-78 का उल्लंघन कर की गई ?
3. क्या प्रार्थी की सेवा मुक्ति छंटनी की परिभाषा में नहीं आती और धारा 2(00)(बी बी) अधिनियम के अनुसार प्रार्थी का नियोजन आरंभ व समाप्त होना था ?

4. अनुतोष ?

6. अप्रार्थी प्रतिनिधि ने अपनी बहस में बताया कि प्रार्थी स्वयं ने अपने को आकस्मिक श्रमिक होना स्वीकार किया है। इसके अतिरिक्त अप्रार्थी की ओर से एंगेजमेंट आदेश भी पेश हुआ है अतः कार्य समाप्त होते ही उसकी नियुक्ति समाप्त होना माना जाये। प्रार्थी की नियुक्ति एंगेजमेंट आर्डर के अनुसार हुई, इस तथ्य को प्रार्थी ने जिरह में भी स्वीकार किया है। उनकी आगे बहस है कि प्रार्थी का नियोजन "कान्ट्रैक्ट फॉर सर्विस" कान्ट्रैक्ट ऑफ सर्विस"। उनकी आगे बहस है कि वरिष्ठता सूची प्रदर्श डबल्यू-1 को प्रार्थी ने साक्षित नहीं किया है। इस तरह से प्रार्थी जो कि आकस्मिक श्रमिक के रूप में नियुक्त हुआ था तथा अप्रार्थी संस्थान में आकस्मिक श्रमिकों की नियुक्ति हेतु स्थापित श्रम नियोजन विभाग से प्राप्त सूची के अनुसार अर्थात् "कैज्युअल लेबर पूल" में से प्रार्थी की नियुक्ति की गई थी : आकस्मिक नियोजक के मामलों में वरिष्ठता सूची जारी कत्ना व धारा 25-एफ, जी व एच अधिनियम आदि की पालना कहीं आवश्यक होना नहीं बताया अतः प्रार्थी का क्लेम खारिज होना योग्य बताया। अपने तर्कों के समर्थन में विद्वान प्रतिनिधि ने दृष्टान्त (1) 2005 एल.एल.आर. (एस.सी) एम.पी.इलैक्ट्रिसिटी बोर्ड बनाम हरीराम व अन्य तथा (2) (2005) 8 एस.सी.सी. 750 सुरेन्द्र नगर डिस्ट्रिक्ट पंचायत विरुद्ध धायाबाई अमरसिन पेश किये।

7. मैंने बहस पर गौर किया। जो निर्णय बिन्दु प्रकरण में बनाये गये हैं, उनके संबंध में क्रमशः मेरा विनिश्चय इस तरह से है :-
निर्णय बिन्दु सं. 1:

8. प्रकरण में प्रार्थी श्रमिक ने अप्रार्थी के यहां जो कार्य किया उसके संबंध में कार्य संबंधी आदेश पेश हुए हैं जिनके अनुसार प्रार्थी ने भिन्न-2 वर्षों में कार्य किया जो अवधि किसी माह में 4 दिन, किसी माह में 5 दिन, तथा किसी माह में 9 दिन आदि रही है। कार्य नियुक्ति तिथि से सेवा मुक्ति की दिनांक तक निरन्तर किया हो, ऐसा प्रकरण में नहीं पाया गया है। सेवा मुक्ति से पिछले एक वर्ष से लगातार 240 दिन कार्य हो, ऐसी भी कोई साक्ष्य पत्रावली पर नहीं है। स्टेटमेंट ऑफ क्लेम तथा प्रार्थी का जो शपथ पत्र पेश हुआ उसमें भी प्रार्थी का यह कथन नहीं है कि उसने सेवा समाप्ति के एक वर्ष पूर्व की अवधि में 240 दिन लगातार कार्य किया हो। प्रार्थी की ओर से जो दृष्टान्त पेश हुए उनमें से अधिकतर मामलों में प्रार्थी की सेवा मुक्ति से पूर्व एक वर्ष की अवधि में 240 दिन लगातार कार्य करने के तथ्य सिद्ध पाये गये हैं किन्तु हस्तगत प्रकरण में ऐसा नहीं पाया गया है। प्रार्थी की नियुक्ति दैनिक वेतन भोगी कर्मचारी के रूप में रही है। दृष्टान्त सुरेन्द्र नगर डिस्ट्रिक्ट पंचायत बनाम धायाबाई अमरसिन के चरण सं. 18 में वर्णित अनुसार माननीय सर्वोच्च न्यायालय ने माता कि कर्मकार के लिए यह बताया जाना आवश्यक है कि उसने उसकी सेवा समाप्ति से पहले वर्ष में 240 दिन लगातार कार्य किया हो, जो इस प्रकरण में नहीं पाया गया है। अतः यह निर्णय बिन्दु प्रार्थी की ओर से सिद्ध होना नहीं पाया गया है और उसके विरुद्ध निर्णित किया जाता है।

निर्णय बिन्दु सं. 2 :

9. इस निर्णय बिन्दु में यह देखना है कि क्या अप्रार्थी ने प्रार्थी की सेवा समाप्ति की तब धारा 25-एफ, जी व एच अधिनियम तथा

औद्योगिक विवाद (केन्द्रीय) नियम 1957 (जो कि निर्णय में आगे मात्र नियम कहलायेगा) के नियम 77-78 का उल्लंघन करते हुए की गई है। धारा 25-एक अधिनियम के लिए यह आवश्यक है कि किसी कर्मकार की सेवा सम्पत्ति से पिछले वर्ष यदि उसकी सेवा लगातार 240 दिन या उससे अधिक है तो धारा 25-एक अधिनियम की पालना किया जाना आवश्यक है किन्तु हस्तगत प्रकरण में प्रार्थी द्वारा लगातार 240दिन की सेवा होना नहीं पाया गया है। धारा 25-जी अधिनियम में छंटनी की प्रक्रिया संबंधी प्रबन्धन है जिसके अनुसार यदि ऐसा कर्मकार जो किसी विशेष श्रेणी का हो, तो नियोजक के लिए आवश्यक है कि सबसे नीचे वाले कर्मकार की छंटनी पहले करे अर्थात् नियोजक द्वारा नियोजन में रहे श्रमिकों की वरिष्ठता सूची रखे एवं उक्त वरिष्ठता सूची में जो सबसे नीचे है उनकी सेवा सबसे पहले समाप्त करे। हस्तगत प्रकरण में श्रमिक की ओर से कोई वरीयता सूची पेश नहीं की गई है और न ही ऐसी कोई सूची पेश करवाने का प्रयास किया गया है। ऐसी कोई वरीयता सूची भी, यह भी श्रमिक की ओर से सिद्ध नहीं हो पाया है। इसके अतिरिक्त प्रार्थी दैनिक वेतन भोगी कर्मचारी के रूप में नियुक्त था तथा उसकी नियुक्ति 15 दिन से ज्यादा के लिए नहीं की गई थी जो विशेष कार्य एवं निश्चित अवधि के लिए थी। दुधान्त सुरेन्द्र नगर डिस्ट्रिक्ट पंचायत विरुद्ध धायारबाई अमरसिन में माननीय उच्चतम न्यायालय ने प्रतिपक्षित किया है कि जहां दैनिक वेतन भोगी/आकस्मिक कर्मचारी नियुक्त किये जाते हैं उन मामलों में नियोजक से यह अपेक्षा नहीं की जाती कि वे ऐसे कर्मचारियों की वरिष्ठता सूची बनावें। प्रार्थी के जो बयान हुए हैं, उनकी भी मैंने देखा है। प्रार्थी के बयानों में यही आया है कि उससे कनिष्ठ की सेवाएं समाप्त नहीं कर उसकी सेवाएं समाप्त की गई हैं। इसके विपरीत अप्रार्थी की ओर से श्री जगदीश लाल का रायच पत्र पेश हुआ है जिन्होंने श्रमिक के संबंध में जारी किये गये कार्य आदेश पेश किये हैं तथा उनके कथनों में पाया है कि उन्होंने किसी भी कनिष्ठ को नहीं हटाया है तथा यह भी बताया है कि प्रार्थी श्रमिक को एक निश्चित अवधि के लिए लगाया गया था एवं उक्त अवधि समाप्त होने पर उसकी सेवाएं स्वतः ही समाप्त हो गई थी। इस समस्त विवेचन से मेरा निष्कर्ष है कि धारा 25-जी अधिनियम का उल्लंघन भी हस्तगत प्रकरण में नहीं पाया गया है तथा आकस्मिक श्रमिकों के रूप में, जैसा कि ऊपर विवेचित अनुसार माननीय उच्चतम न्यायालय के दुधान्त को देखने से आकस्मिक तौर पर लगाये गये श्रमिकों की वरिष्ठता सूची रखना भी नियोजक के लिए आवश्यक नहीं है।

10. निर्देश जो प्रेषित हुआ उसकी भाषा के अनुसार क्या नियोजक ने प्रार्थी को पुनः नियोजन देने का अवसर दिये बिना उससे कनिष्ठ व्यक्तियों को नियोजन में लिया, इस संबंध में जैसा कि उपर विवेचित हुआ है कोई वरीयता सूची अस्तित्व में थी, ऐसा भी नहीं पाया गया है। आकस्मिक श्रमिकों के संबंध में वरिष्ठता सूची का संधारण किया जाना भी नियोजक से अपेक्षित नहीं माना गया है। प्रार्थी ने अपने बयानों में स्वयं से कनिष्ठ किन किन श्रमिकों को काम पर रखा, नहीं बताया है। दुधान्त सुरेन्द्र नगर डिस्ट्रिक्ट पंचायत विरुद्ध धायारबाई अमरसिन (उपर वर्णित) के अनुसार आकस्मिक श्रमिकों के संबंध में वरिष्ठता सूची की अपेक्षा नियोजक से नहीं की जा सकती तथा ऐसी किसी वरिष्ठता सूची के अभाव में धारा 25-एच का उल्लंघन होना भी नहीं माना गया है। नोट 'एच' के अनुसार जहां

नियोजक की ओर से वरिष्ठता सूची पेश नहीं की गई हो, ऐसे मामले में प्रतिपक्ष अवधारणा तभी ली जा सकती है जब ऐसी वरिष्ठता सूची अस्तित्व में थी, ऐसा श्रमिक द्वारा सिद्ध कर दिया जाये। हस्तगत प्रकरण में श्रमिक की ओर से ऐसा सिद्ध नहीं हो पाया है। अतः प्रकरण में धारा 25-एक अधिनियम का उल्लंघन होना भी प्रार्थी श्रमिक की ओर से सिद्ध नहीं हो पाया है।

निर्णय बिन्दु सं. 3 :

11. इस बिन्दु को सिद्ध करने का भार अप्रार्थी नियोजक पर था। प्रार्थी के संबंध में जारी कार्यालय आदेश प्रदर्श एम-1 से एम-17 को देखने से प्रार्थी के संबंध में कार्य आदेश 15 दिन से अधिक के लिए कोई जारी नहीं हुए हैं। इस तरह ये कार्य आदेश एक निश्चित अवधि तक के लिए थे तथा अगले कार्य आदेश पहले कार्य के समाप्त होते ही दूसरे दिन दे दिये गये हों, ऐसा भी नहीं पाया गया है। प्रदर्श एम-1 से एम-17 को देखने से प्रार्थी को भिन्न-2 विभागों में एवं भिन्न-2 कार्य हेतु तथा आकस्मिक तौर पर लिया गया है। इस तरह से प्रार्थी की नियुक्ति अर्थात् उसके संबंध में कार्यालय आदेश एक निश्चित अवधि के लिए थे, यह बखूबी पाया गया है। अधिनियम की धारा 2(00)(बीबी) के अनुसार श्रमिक जिनकी सेवा समाप्ति कार्य के संबंध में कोई शेषित की अवधि समाप्त होते के बाद स्वतः ही समाप्त हो जाना पड़ा है। हस्तगत प्रकरण में जो कार्य आदेश (नियुक्ति आदेश) दिये गये हैं वे स्वतंत्र रूप से दिये गये हैं न कि पूर्व के कार्यालय आदेश को नवीनीकरण करते हुए दिये गये हैं। दुधान्त 2007 1 एल.एल.जे. 696 (एस.सी.) एम.डी. कर्कटक हैण्डलूम डेवेलपमेंट कॉर्पोरेशन विरुद्ध महादेव लक्ष्मण रावत तथा दुधान्त 2007 1 एल.एल.जे. पेज 717 (एस.सी.) गंगाधर पिल्लई विरुद्ध सीमेन्स लिमिटेड में इसी संबंध में प्रतिपादित करते हुए माना कि जहां ऐसे व्यक्ति जिनको आकस्मिक श्रमिक के रूप में कई वर्षों तक किन्तु कुछ समय के बाद (इंटरमिटेंटली) कार्य पर लिया गया उसकी सेवा समाप्ति को धारा 2(00) अधिनियम में वर्णित अनुसार छंटनी नहीं कहा जा सकता तथा धारा 2(00) (बी बी) अधिनियम के अनुसार भी ऐसी सेवा समाप्ति छंटनी की परिस्थिति में नहीं आती। अतः यह निर्णय बिन्दु अप्रार्थी नियोजक की ओर से सिद्ध होना पाया गया है।

निर्णय बिन्दु सं. 4 :

12. यह निर्णय बिन्दु अनुतोष से संबंधित है और उपरोक्त विवेचन के अन्तर्गत प्रार्थी किसी अनुतोष का अधिकारी नहीं है अतः निर्देश का उत्तर निम्न प्रकार दिया जाता है :

“खेतड़ी कॉपर काम्पलेक्स हिन्दुस्तान कॉपर लि. के प्रबन्धन द्वारा श्री स्वर्नीश शर्मा को दिनांक 23-1-85 से 30-8-92 तक आंतरात्मिक रूप से आकस्मिक श्रमिक के रूप में नियोजित करने के परवाह दिनांक 30-8-92 से सेवा मुक्त करना व उससे कनिष्ठ श्रमिकों को नियोजित करने से पहले प्रार्थी को अवसर नहीं देने की कार्यवाही ठीक प्रवृत्ति में नहीं आती। प्रार्थी कोई राहत पाने का अधिकारी नहीं है।”

13. अक्टूबर आज दिनांक 7-8-2008 को खुले न्यायालय में लिखित आदेश सुनाया गया जो केन्द्र सरकार को प्रकाशनार्थ नियमानुसार भेजा जाये।

गौतम प्रकाश शर्मा, न्यायाधीश

नई दिल्ली, 5 मार्च, 2009

का.आ. 779.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय विमानपत्तन प्राधिकरण के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2 मुम्बई के पंचाट (संदर्भ संख्या सी.जी.आई.टी. 2/41 आफ 2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-03-2009 को प्राप्त हुआ था।

[सं. एल-11012/12/2003-आईआर (एम)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 5th March, 2009

S.O. 779.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT-2/41 of 2003) of the Central Government Industrial Tribunal/Labour Court No. 2 Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Airport Authority of India and their workman, which was received by the Central Government on 5-03-2009.

[No. L-11012/12/2003-IR (M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 2, MUMBAI

Present : A. A. Lad, Presiding Officer

Reference No. CGIT-2/41 of 2003

Employers in relation to the Management of Airport
Authority of India

The Additional General Manager (P&A),
Airport Authority of India,

Mumbai Airport, Mumbai-400099First Party
V/s.

Their Workmen

Sh. Rehmatali Fatehmohd Shaikh,
Ramaba Ambedkar Nagar, D.B. Pawar
Chowk, Siddharath Chawl, E.E.

Highway R.No. 3246, Ghatkopar (E),
Mumbai-400075.Second Party

Appearance

For the Employer : S/Shri Shamrao S. Patil
and Mr. Avinash Patil,
Advocates.

For the Workmen : Mr. Jalprakash Sawant, Advocate

Date of reserving the Award : 22-7-2008.

Date of passing the Award : 22-1-2009.

AWARD

The matrix of the facts as culled out from the proceedings are as under:

1. The Government of India, Ministry of Labour by its Order No. L-11012/12/2003-IR (M) dated 4th August, 2003 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication:

"Whether the action of the management of Airport Authority of India, Mumbai in terminating the services of Mr. R.F. Shaikh, ex-safaiwala w.e.f. 25-5-1991 is legal and justified? If not, what relief workman is entitled to?"

2. To support the subject matter involved in the reference 2nd Party filed Statement of Claim at Ext. 6 making out the case that, he was employed by the 1st Party at Sahar Airport as a Safaiwala from 1-10-1986. He states that, he was in continuous service. However, he was shown as a contract worker in the beginning employed through various contractors. He states that, by operation of law his name was taken on the roll of the Management and he was paid wages directly by the Management from 1990 or so. He states that, there was direct master and servant relationship between the Management and the concerned workman. He submits that, he was paid wages by the Management directly after doing the work of cleaning and sweeping. He states that, other employees including Sunil Babu Kamble and other 183 workmen covered in the Writ Petition No. 1497 of 1989 including these Workmen were treated as employees of the 1st Party by the orders of the Hon'ble High Court. He states that, a false complaint was lodged by the Management against him and he was handed over to the Police and criminal case was filed against him. He was not allowed to report on duty from 25-5-1991 on the guise that criminal case pending against him. He states that, Hon'ble Chief Metropolitan Magistrate, Esplanade Court, Mumbai acquitted him by his order dated 12-8-1997. Then he approached the Management with the order of the acquittal with a request to allow him to report on his duty but he was not allowed to report for duty and as such he claims that, he was illegally terminated from 25-5-1991.

3. He states that, the action of the Management in terminating his services with effect from 25th May, 1991 is illegal and unjustified and against the principles of natural justice. He states that, without following provisions of Section 25F of the Industrial Dispute Act, 1947 and other provisions he was terminated by the Management for no reason. So he claims that, he be reinstated with payment of back wages w.e.f. 25th May, 1991 with consequential benefits.

4. Management disputed the claim of the 2nd Party by filing reply at Exhibit 1 making out the case that, 2nd Party is not its employee. He is employee of the Contractor. It is stated that, on 26-5-1991 he was caught by Airport Security Police and his search resulted in to the seizure of 3 gold chains weighing about 711 grms. of gold from him. Seizure was effected by the Sahar Police Station who carried out the investigations and concerned workman was arrested under Section 41 (D) of the Code of Criminal Procedure. A criminal case was filed against him before the 22nd Magistrate's Court who placed the concerned workman in the custody of the Customs Officer on 1-6-1991. Then he was arrested by Customs Officer who

took charge of the 3 gold chains ceased from the concerned workman. Then his statement was recorded on 1st June, 1991 where concerned workman conceded the fact of possession of gold. Then he was charge sheeted by the Customs Authorities under Sections 7(35)(1)(a)(i) and other Sections 135 (1)(b)(i) of the Customs Act as well as under Section 5 of the Imports & Exports (Control) Act, 1947. He was prosecuted before Chief Metropolitan Magistrate at Mumbai by filing Criminal case No. 21/CW/92.

5. 1st Party contended that, after adducing the evidence by prosecution on the basis of which charge was framed, the Chief Metropolitan Magistrate by his order dated 12th August, 1997 acquitted the concerned workman.

6. 1st Party further contended that, then 2nd Party filed Writ Petition being No. 2086 of 1999 before the Hon'ble High Court at Bombay against 1st Party and Contractor. No relief was granted by the Hon'ble High Court in the said Writ Petition to the concerned workman. Even he prayed for reinstatement in the said Writ Petition which was not considered by the Hon'ble High Court. The said Writ Petition was dismissed. Now the concerned Workman cannot take benefit of the writ Petition.

7. It is submitted by the 1st Party that, the concerned workman approached Assistant Labour Commissioner (Central) II, Bombay by his demand letter dated 17-2-2000, copy of the said demand was not forwarded to the 1st Party. However, it was addressed to General Manager (P & A) of Authority. Since 2nd Party's prayer was not considered in the Writ Petition and since he was not appointed by the 1st Party, 2nd Party cannot claim any relief against 1st Party. It is stated that, the 2nd Party is not the employee of the 1st Party. It is stated that, he was not on the roll of the 1st Party. He has not made Contractor as a Party in this proceeding since he was working through such Contractors. Assistant Commissioner of a Labour/Constitution Officer submitted failure without case of the First Party since 1st Party was not present before it. It is stated that, Reference filed by the concerned Workman does not fall under Section 2(k) or Section 2A of the Industrial Disputes Act, 1947. It is stated that, merely sending demand to the Constitution Officer without dispute being raised by him against his employer as well as against the principal employer regarding such demand it cannot become 'industrial dispute'. Hence this dispute does not exist unless and until demand is raised by the workman with the 1st Party and it is rejected. So it is submitted that, the order of Reference dated 4th August, 2003 made by the Government of India, Ministry of Labour, New Delhi, itself is bad in law, invalid and void ab-initio. It is stated that, the dispute was neither sponsored by the Union of its workers nor by the majority of the workmen belonging to his class employed in the establishment of the 1st Party. It is submitted that, since reference is not maintainable, 2nd Party cannot claim anything. In fact 2nd Party cannot claim in individual capacity under the provisions of Industrial Disputes Act, 1947. Since he is not an employee of the 1st Party and has not proved any relation with 1st Party and demand against it, he cannot claim any relief. It is submitted that, he should have presented the Reference against his employer i.e. contractor for granting the prayers prayed by

2nd Party which he did not do. As he fails to do so it is stated that, question does not arise to direct the 1st Party to reinstate the concerned workman by question and setting aside the termination order. So it is submitted that, the prayers prayed by the 2nd Party require to be rejected since Reference itself is not tenable.

8. In view of the above pleadings issues were framed at Exhibit 13 which I answer as under :

ISSUES	FINDINGS
1. Does second party workman proves that, action taken against him under the challenge is illegal and unjustified?	No
2. Does first Party prove that action of termination is justifiable and legal?	Does Not Arise.
2(a) Is reference tenable in the light of various grounds taken by first party?	No
2(b) Whether 2nd Party establishes his relations with first party as its employee?	No
3. Is second party entitled for relief as referred in the Reference?	No
4. What order?	As per order passed below

REASONS :

ISSUES NOS. 1, 2, 2(b) :

9. 2nd Party claims that, he is employee of the 1st Party and he was illegally terminated. Whereas facts, as stated by the 1st Party, that he is not its employee and the question of termination and question of reinstatement of 2nd Party with 1st Party does not arise.

10. In that respect if we go through the evidence led by 2nd Party by filing affidavit at Exhibit 16 in lieu of the examination-in-chief, we find he states that, he was employed for cleaning and sweeping by the contractor in the establishment of the 1st Party with effect from 1-10-1986. He says that, he was paid wages for his work by the management of AAI through the contractors M/s. Deshmukh Associates and thereafter by one Rajan and Farida Madam. He claims that, all these contract arrangements were illegal, sham, bogus and he is on the roll of the 1st party. He claims that, the so called contractors were removed and the workmen were directly paid wages by the Management in pursuance of Writ Petition No. 1984 of 1980. He states that, Management refused his employment with effect from 26-3-1991 under the guise of his arrest by the Airport Security Police. He states that, though he was acquitted from the Criminal case still he was not permitted to resume duties. In the cross he states that, in 1986 he was appointed by Contractor. Then he claims that in 1990 he was taken by Airport Authority as Sweeper. He states that, he cannot point out the order given by Airport Authority of India. He admits that, he was arrested by Airport Security Police. He also admits that, he was produced before Metropolitan

Magistrate. He admits that, was kept in custody on 1-6-1991. He unable to state whether Customs Police recorded his statement. He also states that, he is not aware whether, he was prosecuted by Customs Department. He is also unable to state whether, his said trial was numbered as Criminal Case i.e. CC No. 21/92. He admits that, he did not complain about role played by the 1st Party in prosecuting him. He states that, he cannot produce copy of any letter addressed to Airport Authority. He admits that, he was in jail for 1-1/2 months in 1999. He states that, he approached Contractor without any application and requested him to allow him to work. Against that, 1st Party led evidence by filing affidavit at Exhibit 18 in lieu of the Examination-in-chief of Natesh Panner Selvan who states that, 2nd Party is not workman of the 1st Party and is not concerned with Authority.

11. So this is the evidence led by the 2nd Party to show that, he is workman of the 1st Party and he was terminated by 1st Party. But here 2nd Party is unable to point out appointment order issued by 1st Party. He is unable to point out termination order issued by the 1st Party. When there is no appointment order question of 2nd Party's termination order alleged issued by the 1st Party against 2nd Party in my considered view does not arise. In these premises here case of terminating the services by 1st Party and justifying said termination by 1st Party does not arise. Evidence brought on record shows that 1st party has not terminated the 2nd Party. Even 1st Party did not appoint 2nd Party. When 2nd Party was not appointed by 1st Party then question of justifying termination by the 1st Party does not arise. So I answer this issue to that effect.

ISSUE NO. 2(a):

12. 1st Party claims that reference is not tenable since it is not reference under Section 2(k) or Section 2A of the Industrial Disputes Act, 1947. These contentions have been taken by 1st Party in paras 6 and 8 of the Written Statement at Exhibit 11. The case of the 1st Party is that, 2nd Party approached the Conciliation Officer with his demand letter, copies of which were sent to his employer and on the basis of the said demand letter Conciliation Officer initiated proceedings and submitted failure report. It was not filed by the Union, neither any demand was made by the 2nd Party with the 1st Party. There is no conciliation proceeding conducted with 1st Party and as such failure report submitted by Conciliation Officer on the basis of the demand letter of the 2nd Party treating him as an employee of the 1st Party has no meaning. The stand of the 1st Party is that, 2nd Party is employee of the Contractor hence dispute under Section 2(k) and Section 2A of the Industrial Dispute Act, 1947 will come into picture as and when the demand is made by the Union or Workman on the employer which is rejected by the employer. Here there was no demand of the employee or by Union against the 1st Party i.e. Authority. Besides there was statement on that point made by the 2nd Party where he say that, at any point of time either 2nd Party or Union did not approached the 1st Party for employment of the 2nd or on the termination of the 2nd Party. Besides it is not the case of the 2nd Party that, he was terminated by issuing termination order by 1st Party. On the contrary it is his case that, because he

was arrested by the Police and sine criminal case was filed against him and though he was acquitted in the said case, and when he reported for duty he was not taken on duty. That means there is no direct termination order. Besides it reveals that, 1st Party did not refuse 2nd Party to work as Sweeper. Moreover stand taken by the 1st Party that, he was not direct employee of the 1st Party and same is admitted by the 2nd Party in his affidavit which he has filed as his evidence at Exhibit 16. In para-2 of his said affidavit he states that, he was paid wages for his work done for the Management of AAI by M/s Deshmukh Associates and then by Shri Rajan and thereafter by Farida Madam. When his case is that, he worked with these 2 agencies and when he is unable to point out who is employer of 2nd Party or he is appointed by 1st Party as well as he was terminated by 1st Party, question of involving 1st Party in the Reference in fact does not arise. Besides as rightly pointed out by 1st Party that, there was no demand nor from the 2nd Party in his individual capacity nor from the Union for the 2nd Party by the majority of the employees of the 1st Party in support of the demand of the 2nd Party against 1st Party. When there was no such demand and when there was no conciliation with 1st Party question of involving 1st Party does not arise.

13. At the same time when there was no demand from the 2nd Party against first Party and when there was no conciliation at all against 1st Party, question of sending failure report and involving first Party does not arise. So I conclude that, the Reference itself in the present form is not maintainable. So I answer this issue to that effect.

ISSUE NO. 3:

14. 2nd Party claims reinstatement with back wages and continuity of service. However, when 2nd Party unable to show that, he was employed by the 1st Party and terminated by 1st Party in my considered view, question of setting aside termination and directing 1st Party to reinstate 2nd Party does not arise. Besides number of case laws are referred by 1st Party's Advocate more precisely in 1992 II LLJ page 782 of Kerala High Court in the case of K.K. Thilakan & Ors vs. FACT Ltd. & Anr., citation published in 2005 III LLJ page 850 of Gauhati High Court in the case of Indian Oil Corporation Ltd. vs Presiding Officer, Central Government Industrial Tribunal, Guwahati and Ors. and citation published in 2001 III CLR page 349 of Apex Court in the case of Steel Authority of India Ltd. and Ors. vs National Union Water Front Workers & Ors. also support the stand of the 1st Party to say that, contract employee cannot claim permanency in the establishment of principal employer. So I conclude that, 2nd Party is not entitled for any relief. Hence I answer this issue in negative.

15. In view of the discussions made above I, conclude that, Reference of 2nd Party deserves to be rejected. Hence, the order.

ORDER

Reference is rejected with no order as to its costs.

Bombay,
22nd January, 2009.

A.A. LAD, Presiding Officer

9926809-21

नई दिल्ली, 5 मार्च, 2009

AWARD

का.आ. 780.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय विमानपत्तन प्राधिकरण के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, सं. 2, मुम्बई के पंचाट (संदर्भ संख्या CGIT-2/73-2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-3-2009 को प्राप्त हुआ था।

[सं. एल-11012/8/2000-आईआर(एम.)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 5th March, 2009

S.O. 780.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT-2/73 of 2000) of the Central Government Industrial Tribunal-Labour Court, No. 2, Mumbai now as shown in the Annexure in the Industrial Dispute between the management of Airport Authority of India and their workman, which was received by the Central Government on 5-3-2009.

[No. L-11012/8/2000-IR (M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 2, MUMBAI**

Present: A.A. LAD, Presiding Officer

Reference No. CGIT-2/73 of 2000

Employers in relation to the Management of Airport Authority of India

The General Manager (P&A),
Airports Authority of India,
International Airports Div.,
Mumbai Airport, Mumbai-400 099

... First Party

V/s.

Their Workmen

The Secretary,
AAI Mazdoor Sangh,
25/32, Ibrahim Mansion,
Dr. B.R. Ambedkar Road, Parel,
Mumbai.

... Second Party

Appearances:

For the Employer : S/Shri Shamrao S. Patil and
A.S. Patil, Advocates.

For the Workmen: Mr. S. Mukherji, Advocate.

Date of reserving the Award : 22-7-2008.

Date of passing the Award : 29-1-2009.

The matrix of the facts as culled out from the proceedings are as under:

1. The Government of India, Ministry of Labour by its order No. L-11012/8/2000-IR (M) dated 31st July, 2000 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication :

“Whether the action of the Management of Airports Authority of India, International Airports Div., Mumbai by recording incorrect date of birth i.e. instead of 15-8-1944 to 13-3-1942 is justified or not? If not, what relief the workman, Mr. E.D. Mane, Mechanic is entitled to?”

2. Claim Statement is filed under the signature of the Secretary of the Union at Exhibit 8 stating and contending that, Workman involve in the reference i.e. E.D. Mane, which we hereinafter call as “Mane” was ex-service man. Said Mane joined Army on 13-3-1963 after China war of 1962. As there was acute shortage of Military forces Government recruited Jawans at large scale in Army by arranging number of Camps at remote places like Tasgaon where others and Mane were recruited.

3. It is the case of the Union that, in the Army record birth date of Mane was recorded as 13th March, 1942. However, actually his birth date is 15-8-1944. Even he submitted his School Leaving Certificate to support that birth date i.e. 15-8-1944.

4. When he joined AAI after retirement from Army in 1979 he brought it to the notice of Authorities to enter his birth date as 15-8-1944 but Authority recorded it as 13-3-1942 relying on the military service record. Actually Mane was not aware of the birth date recorded as 13-3-1942. When he applied for house loan in 1994 he noticed his birth date recorded against his name as birth date 13-3-1942. Relying on the said birth date he was asked to retire from the Airports Authority of India. Even he tried to bring it to the notice of the authorities that, his birth date is 15-8-1944 and allow him to work on the basis of that birth date but he was not permitted to work. Union also submit that, birth date of Mane be recorded as 15-8-1944 instead of 13-3-1942 and benefit of said be given to him.

5. This is disputed by the 1st Party by filing reply at Exhibit 9 making out the case that, Union cannot ask to change the birth date of Mane from 13-3-1942 to 15-8-1944. Said birth date was recorded relying on the Military record from where Mane retired. Now Mane cannot seek benefit on the basis of birth date as 15th August, 1944. It is further stated that, dispute raised by the Union is not tenable and maintainable under Section 2 (K) of the Industrial Disputes Act, 1947. It is contended that, the dispute is not espoused by sufficient number of members of the Union. It is further stated that, after about 14 years,

Union is asking to change the birth date of Mane which Union cannot ask and the benefit of it cannot be given to Mane. Mane did not apply with the Authorities to change his birth date. There was no separate application from Mane requesting Authority to change his birth date instead of 13-3-1942 to 15-8-1944. Besides Mane kept silent for number of years and allowed the records to carry his birth date which was enrolled in the Military service record. Even School Leaving Certificate produced by Mane to support his birth date of 15-8-1944 are not consistent and reliable since there are number of discrepancies in those records produced by Mane, it is submitted that, Mane cannot seek relief on the request of the Union.

6. Rejoinder is filed by the Union at Exhibit 10 stating that, the contentions of the Authorities is not worth to consider and prayer prayed by Union to change the birth date of Mane be considered.

7. In view of the above pleadings my Ld. Predecessor framed the Issues at Exhibit 11 which I answer as under :

ISSUES	FINDINGS
1. Whether the union proves that workman can change the date of birth in service record from 13-3-1942 to 15-8-1944 by submitting School Leaving Certificate after the period of 14 years from joining the service ?	No
2. Whether the action of the Management of Airports Authority of India, International Airports Div., Mumbai in refusing to record the date of birth of workman as 15-8-1944 in the service book is justified ?	No
2(a) Whether the Reference is bad Under Section 2(k) of the Industrial Disputes Act, 1947 ?	Yes
3. Whether the workman is entitled to any relief, if so what relief?	No

REASONS:

ISSUE NO. 1 & 2:

8. Union invites that, birth date enrolled of Mane in the records of the Airports Authority of India as 13-3-1942 require to change as 15-8-1944. According to Union Authority recorded his birth date as 13-3-1942, Mane was asking Authority to change his birth date to 15-8-1944 from 13-3-1942. However, it was not considered by it. According to Union birth date of Mane 15-8-1944 require to change in the service record of Mane maintained by the Authority. Said is disputed by the Authority stating that Mane cannot pray to change his birth date after such a long period. It is the case of the Authority that Mane joined Authority after retirement from Military in 1979 and in 1994 he prayed to record his birth date as 15-8-1944 instead of 13-3-1942. Besides Mane did not applied with the Authority

and request to decide said point with the help of evidence. Said request was not made by Mane and now Union cannot pray for Mane in this fashion.

9. To prove that, Union placed reliance on the affidavit in lieu of examination-in-chief filed at Exhibit 16 and another affidavit filed at Exhibit 16-A, through General Secretary of the Union who states that, case of Mane require to consider relying on the evidence brought on record. In the cross this witness states that, he has no personal knowledge about the subject matter of the reference. He states that, relying on Mane's statement he supports his case. He states that, he has no personal knowledge about the birth date of Mane recorded in Military record. He admits that, Mane submitted Military record with the Authorities while joining the 1st Party. He states that, he is relying on the School Leaving Certificate and LIC documents shown by Mane. He states that, in 1994 for the first time Mane asked Authority to change his birth date. He admits that, there is discrepancy in the school leave certificates produced by Mane. He admits that, Mane is now retired on 31-3-2002. He also admits that, Mane got all his dues at the time of his retirement. Then Union relied on the affidavit of Mane which is filed in lieu of examination-in-chief at Exhibit 46 who gave story about his employment and how he entered in the enrolment with the Authority. He also put a story that, he has applied for change of birth date and necessary documents were produced by him. He states that, documents were produced which were not considered to change his birth date from 13-3-1942 to 15-8-1944. He also made out the case that, in the record of Insurance Policy, his birth date is mentioned as 15-8-1944. He brought all these documents to the notice of the Authority but his prayer was not considered. In the cross this witness states that, he has not documentary evidence to show that recruitment took place at the time of China War as stated by him in the affidavit. He admits that, person below the age of 21 cannot be recruited in the Army. He admits that, he never complained with the Military authorities regarding wrong birth date recorded as 13-3-1942. He admits that, he has not applied separately with the authorities requesting to consider his grievance of birth date and correct it. He admits that, he has not submitted school Leaving Certificate or Birth Certificate when he took up the job with the Authorities.

10. Against that, Authority examined Maya Lavania by filing her affidavit in lieu of examination-in-chief at Exhibit 55 who stated that, there was no prayer of Mane to change his birth date. Mane did not brought it to the notice of the Authority at any point of time by applying strictly for the said change. In the cross she admits that, Authority is not claiming that, School Leaving Certificate produced by Mane is fabricated one. Even this witness admits that, Mane requested Authority to change his birth date. When question was put to the witness as to why Authority did not rely on the School Leaving Certificate to which this witness states that, Mane was admitted in the school in 1952 and when he left school, in his School leaving certificate, it was stated that, in 1956 still he was in the 1st Standard. Then 1st Party closed evidence by filing Exhibit

57 and submitted written arguments at Exhibit 59 to reply the oral arguments submitted by Advocate of the Union.

11. Here Union is relying on various "School Leaving Certificates" and state that, these School Leaving Certificates are more than sufficient to claim change of birth date from 13-3-1942 to 15-8-1944. Whereas Authorities argued that those certificates have discrepancy and as such are not reliable. Besides recruitment age of 21 in Military does not permit Mane to claim his birth date as 15-8-1944 since birth date 15-8-1944 does not permit Mane complete 21 years to be recruited in Army in 1963.

12. Admittedly Mane was recruited by the Army in 1963. If we calculate the age of Mane in March 1963 considering 2 birth dates i.e. one as 15-8-1944 and the other one which is on record i.e. 13-3-1942 we find, birth date claimed by Mane as 15-8-1944 does not permit Mane to claim that, he was of 21 years when he was taken in Army in 1963. If we count the age of Mane in 1963 at the time of recruitment in Army his birth date as 13-3-1942 which is in the Army record and carried on in the Authority record, permit Mane to claim that, he was 21 years when he was recruited in the Army/Military. So apparently from the year of recruitment in the Army i.e. in March, 1963 said event does not permit Mane or Union to say that, birth date of Mane may be 15-8-1944. On the contrary it takes us to conclude that, birth date of Mane ought to have been 13-3-1942 otherwise Mane cannot become qualified to be recruited in the Army in the year 1963.

13. Besides, 1st Party's Advocate tried to point out that, there are number of discrepancies in the School leaving Certificate produced by Mane. One school Leaving certificate produced is dated 16-5-1989 at Serial No. 5, page 14 with Exhibit 13. Another one is produced at Serial No. 1 of Exhibit 12 which is exhibited as 43 dated 12-7-1994, then third one is produced at Serial No. 1, page 2 of list of documents which is dated 6-10-1994. If these are compared with each others, we find his School Leaving Certificate bears covering letter dated 6-1-1993 at Exhibit 13, whereas he was recruited with the Authorities in January, 1979. It reveals that Mane did not produce this School Leaving Certificate when he was taken by the Authority since date of covering letter is dated 6-1-1993. Another School Leaving Certificate of 1989 as there was no School Leaving Certificate with the concerned workman Mane before 1989, when certificate was not with Mane before 1989 where question arises of Mane to produce it on 1-1-1979 when he joined with the Authority? Besides as per School Leaving Certificates Mane appears to have been admitted in school in 1952. However, School Leaving Certificate reveals that, in 1956 after 4 years he was shown in 1st Standard which is not acceptable to any logic as person will not be in Std. I for four years as mentioned in the School Leaving Certificates on which he is asking us to refer. Besides in one certificate in respect of "progress in study" is mentioned as "good", whereas in other School Leaving Certificates it is shown as "so so" and in third one it is not mentioned anything about his progress. So apparently these School Leaving Certificates

on which Union is relying and when it is asking us to rely on it to give benefit to Mane in my considered view, these School Leaving Certificates are inconsistent to each other and does not permit us to rely and accept it. No doubt as pointed out by Advocate of Authorities that, enrolment of Mane with the Army in 1963 does not permit now Mane to claim birth date as 15-8-1944. When Mane was enrolled in 1963 with the Army at the age of 21 when his birth date must be of 13-3-1942 and cannot be 15-8-1944. So if we consider the evidence lead by both legal case made by Union does not permit us to accept its case and accept that birth date of Mane is 13-3-1942 and which cannot be of 13-3-1942. So I conclude that, birth date of Mane must be 13-3-1942 and cannot be 15-8-1944 as claimed by the Union. When Union unable to establish birth date as claimed by Mane as 15-8-1944, must be recorded in the Authority's record has no force and meaning when Authority decided not to change the birth date of Mane after 14 years. As per the date of recruitment with the Authority, I am of the opinion that, Authority was justified in not accepting the case of the Union or the case of Mane to treat his birth date as 15-8-1944 instead of 13-3-1942. So I answer these issues to that effect.

ISSUE NO. 2 (a)

14. Authority contends that, Reference is not maintainable since it does not fall within the definition of 2 (K) of Industrial Disputes Act, 1947. Admittedly Union has not produced any resolution or any decision taken in the meeting of the Union to show that the subject matter of Mane was discussed in the Union and majority of Union members gave support to raise the issue. Besides it is not in dispute under the provisions of Section 2A of the Industrial Disputes Act, 1947 as benefit of this dispute will go to only Mane and it will not help to any other employee. Besides it is rightly pointed out by the Authority that, in case of individual dispute it is duty of the Union to establish that, most of the sections of the members of the Union have given support to raise such a dispute. when such a dispute is espoused by the Union admittedly said dispute is espoused by the union on the basis of the majority of the members of the Union but no evidence is led by the Union to show that there is support from other members of the Union. Besides if such a dispute is under Section 2A, and it comes under the said Section, when dispute is pertaining to workmen and his employer creating with or without of 'discharge', 'dismissal', 'retrenchment' or 'termination' of the services of the workmen. Here it is not the case of the Union that, Mane was discharged, dismissed, retrenched or terminated but the dispute raised is of change of birth date of Mane so definitely it does not fall within the ambit of Section 2A of the Industrial Disputes Act, 1947.

15. Moreover 1st Advocate for the 1st party placed reliance on the citation published in 1993 III (Supl.) LLJ page 571 of our Hon'ble High Court in the case of Iqbal A. Kauradain vs P. L. Majumdar and anr. where it is observed that, employer can raise the issue that there was no "industrial dispute" within the meaning of Section

2(K) of the Industrial Disputes Act, 1947 even before Tribunal. Another citation published in 1961 II LLJ page 436 of Apex Court in the case of Bombay Union of Journalists vs The 'Hindu', Bombay where it is observed that, Union must have the support of members which is supporting the dispute. He also placed reliance on the citation published in 1970 II LLJ page 132 of Apex Court in the case of Workmen of Indian Express Newspapers Pvt. Ltd. V/s. The Management of Indian Express Newspapers Pvt. Ltd., another citation published in 1962 (5) FLR page 144 of Madras High Court in the case of Visalakshi Mills Ltd. vs. Labour Court, Madurai, where it is observed that, "the individual dispute to become Industrial dispute. It must have collective support from the substantial members of workers of that Union". He also placed reliance on 1965 I LLJ page 95 where Madras High Court in the case of Nellai Cotton Mills vs. Labour Court, Madurai observed that, It is not sufficient that dispute raised is sponsored by Union. It is observed that, in that case most of the employees must support the dispute. He also placed reliance on the copy of unreported judgment of our Hon'ble High Court, in Writ Petition No. 1133 of 1992, in the case of Joaquis francis F. Tellis vs. The International Airports Authority of India and anr. All these case laws does not permit me to say that, Reference is maintainable in the resent form. So I answer this issue to that effect.

16. In view of the discussions made above I conclude that, the 2nd Party has neither made out the case to support change of birth date nor concerned workman. So I conclude that, Mane is not entitled to any relief. Hence, the order.

ORDER

Reference is rejected with no order as to its costs.

Bombay,
29th January, 2009

A. A. LAD, Presiding Officer

नई दिल्ली, 5 मार्च, 2009

क्र.आ. 781.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल वेयरहाउसिंग कॉर्पोरेशन के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कोलकत्ता के पंचाद (संदर्भ संख्या 22/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-3-2009 को प्राप्त हुआ था।

[सं. एल-42012/3/1997-आईआर(एम)]

कमल बाखर, डेस्क अधिकारी

New Delhi, the 5th March, 2009

S.O. 781.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 22/2007) of the Central Government Industrial Tribunal/Labour Court,

Kolkata now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Warehousing Corporation, and their workman, which was received by the Central Government on 5-3-2009.

[No. L-42012/3/1997-IR (M)]

KAMAL BAKHUR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Reference No. 22 of 1997

Parties: Employers in relation to the management of
Central Warehousing Corporation

AND

Their Workman

Present: Mr. Justice C. P. Mishra, Presiding Officer

APPEARANCE:

On behalf of the : Mr. S. K. Majumder, Advocate.
Management

On behalf of the : Mr. G. C. Chakraborty, Advocate.
Workmen

State: West Bengal

Industry: Warehousing

Dated: 16th February, 2009.

AWARD

By Order No. L - 42012/3/97-IR(Misc.) dated 30-6-1997 the Government of India, Ministry of Labour in exercise of its powers under Section 10 (1) (d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication:

"Whether the action of the management of Central Warehousing Corporation, Calcutta in terminating the services of Shri S. S. Saha w.e.f. 23-5-95 is justified? If not, to what relief the workman is entitled?"

2. This reference has been made at the instance of Shri Shyam Sundar Saha the concerned workman in this case. The case of the workman as it appears from his written statement is that he was engaged as a Chowkidar in the Central Warehousing Corporation, hereinafter to be referred as the Corporation at Ghusuri and then he was promoted as L.D.C. and was later designated as Warehouse Assistant Grade-II and was posted at Central Warehouse at Budge Budge on 1-9-1988. He was working satisfactorily and by an office order dated 17-7-1989 he was directed to look after the oil godown there under Shri A.R. Majumder, T.A. The Manager of the Warehouse was one Shri A. K. Sharma. A survey in respect of the

stock of the Refined Rapeseed Oil stored in the godown was held on two occasions, i.e., 31-10-1989 and 9-4-1990. It is stated that one Shri G. B. Mukherjee had conducted the survey inspection on 28-3-1990 and Shri A. K. Mukherjee did it on 26-10-1990. In the meantime a portion of godown under Central Warehouse, Budge Budge was de-hired in 1990 which was earlier hired in 1987 for the purpose of storing Refined Rapeseed Oil and other commodities. It is further stated that after the physical verification of stock of the R.R.S. Oil the then Regional Manager of the Corporation sent two persons to the said godown for enquiry and report regarding the alleged unauthorized delivery of 30 barrels of R.R.S. Oil and on the basis of a complaint dated 5-12-1990 lodged by the Security Officer of the Corporation a case as registered at the Budge Budge Police Station as Case No. 263 dated 6-12-1990 and the workman was placed under suspension by order dated 12-12-1990. In the suspension order his Head Quarters was declared at Aizwal and against this order the workman moved the Hon'ble High Court at Calcutta in a writ petition and the writ petition was allowed and the Hon'ble High Court directed the Corporation not to transfer the workman to Aizwal and the Corporation was given liberty to proceed with the workman as per law. It is also stated that the Corporation made a claim from the Insurance Company stating loss of 30 barrels and subsequently it also added loss of 20 barrels more. It is also stated that by office memo No. 2047 dated 24-9-1991 a departmental proceeding was ordered to be started against the workman and he as directed to submit a written statement. He accordingly submitted his written statement denying the allegation and charge against him. However, it is stated that when some mistake was detected in the FIR earlier lodged on behalf of the Corporation, another FIR was lodged on 5-11-1992 in continuation of the earlier FIR dated 6-12-1990. During 5 years the Budge Budge Police could not collect any material in the case and ultimately the learned Sub-divisional Judicial Magistrate discharged the workman from the case, but the departmental proceeding was initiated during which the Corporation produced witnesses and documents to prove the charges against the workman. However, according to the workman the management failed in proving the charges against him, but the Corporation held the workman guilty for contravention of Regulation 39(1) read with Regulation 40(1) (V) and (X) of the Central Warehousing Corporation (Staff) Regulation, 1986 for committing offence of theft of Refined Rapeseed Oil and the workman was removed from service by office memo dated 23-5-1995. According to the workman the said termination order is illegal, mala fide, vindictive, arbitrary, whimsical and without jurisdiction and, therefore, is void and amounts to unfair labour practice by the Corporation. It is also stated that the workman made representation to the higher authorities of the Corporation for consideration of his case, but it did not have any effect. The workman also

further made prayer to the Government of India, Ministry of Labour against his illegal retrenchment and the matter was accordingly referred to this Tribunal. It is stated that termination of his service is illegal and he is entitled to be reinstated in service with all back wages and benefits.

3. A written statement was also filed on behalf of the management in which the maintainability of the reference was also challenged. However, the management denied the allegations made on behalf of the workman parwise and it is stated that the workman concerned was initially appointed as Dusting Operator in the Corporation on 28-5-1970 and not as a Chowkidar as mentioned in his written statement. It is also stated that subsequently he was promoted as L.D.C. WA-II and was posted at the Warehouse at Budge-Budge. It is also stated that it is incorrect to say that the workman was rendering efficient and loyal service to the Corporation. However, it is stated that the workman was found guilty of the charges framed against him in the departmental proceeding in the report of the Enquiry Officer and the punishment has not been awarded on the basis of any police report and Court case. It is stated that as the stock in the godown was covered under an insurance policy as per normal procedure, the Corporation had claimed the loss from the Insurance Company. It is further stated that the departmental proceeding is entirely different exercise than the police case and the departmental proceeding was initiated when a prima facie case was established against the workman through departmental investigation and not in connection with the FIR or insurance claim. It is further stated that since the stock in the godown are generally covered by insurance policy, for any loss, theft or pilferage, the management had to lodge claim with the insurance company and because Police Case is necessary for the claim, a case was also lodged with the local Police, but all these had nothing to do with the departmental proceeding. It is also further stated that in the departmental proceeding the Corporation produced witnesses and documents to prove the charges against the workman and actually the charges were found substantiated during the enquiry and accordingly the enquiry report was submitted by the Enquiry Officer. It is also stated that during the enquiry all reasonable opportunities were provided to the delinquent to defend his case and he also availed such opportunities by participating in the enquiry and he failed to prove his innocence. According to the management the enquiry was conducted in free and fair manner according to the principles of natural justice and on the basis of the enquiry report the workman was found guilty and termination order was passed. Therefore, it is stated that neither the termination order is mala fide, nor illegal and the enquiry was also properly conducted and the report was based on the materials produced before the Enquiry Officer during enquiry.

4. It appears that though the workman did not state anything against the enquiry in his written statement, after submission of the written statement of the management, a rejoinder was filed by him in which he challenged the fairness of the enquiry by stating that the enquiry was sham, stage-managed and in violation of principles of natural justice and fair play. Management also filed an objection against the same challenging the allegations made in the rejoinder regarding the fairness of the enquiry for the first time in the rejoinder of the workman.

5. In view of the settled principles of law applicable to this type of case the issue of validity of the enquiry was considered first and after recording evidence of both the parties and hearing them in the matter this Tribunal by an order dated 3rd October, 2002 held that the domestic enquiry as held in this case was fair and in view of the provisions of Section 11A of the Industrial Disputes Act, 1947 the parties were given opportunity to make their submission on the point of adequacy or otherwise of the punishment inflicted against the workman concerned in this case and the parties have been so heard.

6. On the perusal of the aforesaid facts it is evident that the issue of validity of enquiry was considered by this Tribunal and it was held that the enquiry so conducted by the Enquiry Officer and the report, Ext. W-4 submitted by him in this connection did not suffer from any illegality as such and there was no violation of the principles of natural justice in conducting the said enquiry against the workman. It has also been found that in the enquiry report about the charges so framed against the workman that they were so based on facts and evidence led thereon and the report, Ext. W-4 did not suffer from any illegality or said to be perverse so that it could require any interference by the Tribunal on any such ground as it was so argued on behalf of the workman in this regard. The matter after this has now been placed for hearing the parties on the point of adequacy or otherwise of the punishment so inflicted against the concerned workman in this regard. Learned Advocates for the parties have accordingly placed their respective argument in this connection.

7. It is submitted on behalf of the workman that the punishment which has been so imposed upon the workman is too harsh shockingly disproportionate to the charges looking at the gravity of the misconduct so alleged against him and so the Tribunal has got its power and jurisdiction under Section 11A of the Act to evaluate the severity of misconduct and also to assess whether the punishment imposed by the employer is commensurate with the gravity of the misconduct or not as this power is specifically conferred upon this Tribunal to do so under Section 11A of the Act. In support of it he has also placed reliance on a decision of the Hon'ble Apex Court in *Management of Hindustan Machine Tools Ltd., Bangalore v. Mohd.*

Usman & Anr. (1938 Lab I.C. 1739) wherein it was held that if the Labour Court after evaluating the gravity of misconduct held that the punishment of termination of service is disproportionately heavy in relation to misconduct and exercise its discretion, the Court, in the absence of any important legal principle would not undertake to re-examine the question of adequacy or inadequacy of material for interference as it was so held by Labour Court in this regard. Yet, another decision of the Hon'ble Apex Court in *Ved Prakash Gupta v. Deltan Cable India (P) Ltd.* (AIR 1984 SC 914) was also cited to say that the punishment so awarded to the workman in case is shockingly disproportionate regard being had to the charge framed against him and no responsible employer would ever impose punishment of dismissal in like circumstances to the employee, victimization or unfair labour practice could very well be so inferred from the conduct of the management in awarding the extreme punishment of dismissal for a flimsy charge of abuse of some worker or officer of the management by the workman in this regard. The order of termination of the workman's service as such on these facts and ground was held to be invalid and unsustainable and he was also held to be so entitled to a relief of reinstatement with full back wages and also other benefits so available to him including the continuity of service in this connection. In this case, it is evident that conclusion of the Labour Court and the Enquiry Officer was also found to have not acted properly in conducting the proceedings and the workman had also not been given a full proper opportunity as was so required by law to enquire into the charges so framed against the workman and also not found to be serious one. Accordingly, the aforesaid observations were made therein for passing the aforesaid order in favour of the workman. Relying on this it has been therefore so argued on behalf of the workman that in the present case too the alleged charges so framed against the workman are not serious one as the so called unauthorized delivery made by him was so made along with one other workman too and the case against him is not proved by any legal evidence of positive nature. The Police report which was also lodged did not find any such evidence against the workman and so he had been so discharged from the criminal case after its investigation. It is also submitted that the other co-worker on similar facts was not given any such punishment though he was also so charged on the same set of facts like the present workman who however has been so punished by the order of termination of his service on that very ground.

8. Learned Advocate for the management in this connection has argued that the aforesaid claim and contention of the workman is otherwise on facts and charges so framed against him. He was charged for the unauthorized delivery of 30 barrels of RRS Oil and as the enquiry was so conducted against him during the

departmental proceedings, the Corporation to prove its charges produced both oral and also the documentary evidence to prove the said charges against him for this purpose. The workman in this connection had also been given all reasonable opportunity to defend himself and he availed it. After this the enquiry report, Ext. W-4 which was so submitted by the Enquiry Officer had fully considered the entire facts and analysed the evidence in this regard and found the workman guilty of the charges so framed against him, i.e., having committed the offence of pilferage by misappropriating the property of the Company in this regard. It was found therein that the workman unauthorizedly had removed 288 serviceable bamboo mats also from the warehouse and also had misappropriated 50 barrels of RRS Oil of STC on different period from the oil godown and thereby had caused a financial loss of Rs. 139000 or so and hence a clear case of misconduct and dishonesty on his part. Besides that he also did not maintain properly the records like daily transaction and other records and thereby neglected his duties as well in this connection. He was also found to have falsified the records in his custody, i.e., attendance register godown opening/closing record etc. and did not report the matter on his part to the higher authorities when they had so visited the warehouse for the inspection of the godown and to make physical verification on the goods therein. The Enquiry Officer conducted the enquiry by recording the statements of number of witnesses and had also gone through the documents so produced before him during the enquiry and gave a positive findings to the charges so proved against the workman by saying that the workman in collusion with others had misappropriated 50 barrels of RRS Oil and also conducted other number of irregularities as he had been so charged. The workman on his part did not produce any such defence during the enquiry so that his act and bonafide could be so prove otherwise about the unauthorized transaction that had so taken place during that period. The report, Ext. W-4 submitted by the Enquiry Officer therefore was also so placed before the disciplinary authority who so considered the facts in quite detail manner as contained in his order dated 19-5-1995 and then the impugned order dated 23-5-1995 was so passed against the workman of terminating the services of the workman as the alleged misconduct was of committing theft by the workman. In view of that, it is argued by the learned Advocate for the management that the order of dismissal passed is perfectly justified and proper to have been so passed against the workman and this Tribunal has got no power and jurisdiction to make interference to the punishment so awarded against the workman in this regard.

9. In support of it he has placed reliance on a decision of the Hon'ble Calcutta High Court in *Wineco Sramik Union v. Seventh Industrial Tribunal & Ors.* (1987 Lab. I. C. 77) to say that the order of dismissal passed against the workman

for the proved misconduct of theft was not unjustified as to make interference by the Tribunal under Section 11A of the Industrial Disputes Act. The offence of theft, which was committed by the employee concerned, showed that he was dishonest and his suitability and reliability to continue in service might be affected by that reason and would have bearing on his contract of service and as such the said offence was a good ground for dismissing the employee concerned from the service. The fact that the workman had rendered a long period of unblemished service and the property stolen was worth only Rs. 150 did not justify a lesser punishment. Even an attempt to steal the employer's property on the part of the workman was a serious charge and deserved nothing short of dismissal. If the workman was allowed to get away with a lesser punishment under Section 11A it would be very difficult for the employer to maintain discipline in the organization. Such being the facts and when the dismissal of the workman was preceded by a fair and proper enquiry, there was no justification for interference with the order of dismissal under Section 11A of the Industrial Disputes Act. It is also submitted by him that merely an acquittal from a criminal case does not have the effect of nullifying the decision taken in the departmental proceedings as they operate in different fields of consideration. For this he referred to the decision of the Hon'ble Supreme Court in *Divisional Controller, G.S.R. T.C. v. Dadasaheb L. Sutar* (2007 AIR SCW 1531). In this constitution reliance has also been placed on the decision of the Hon'ble Apex Court in *Mahindra & Mahindra Ltd. v. N. B. Narawade* [(2005) 3 SCG 134] to say that the scope and discretion of the Tribunal under Section 11A has to be exercised in a limited way and it is not unlimited and it can only be exercised if the punishment is so disproportionate to the gravity of misconduct or there is existence of any mitigating circumstances which require reduction of the circumstances or past conduct of the workman which may persuade the Labour Court to reduce punishment otherwise not.

10. Considering the aforesaid facts and legal position as it is reflected by the learned Advocates on either side, it is evident that the Tribunal in exercise of its power of judicial review not normally interfere with the quantum of punishment and also the determination of proportionality to the charges and punishment so imposed can be invoked only under certain situation. While exercising such discretionary jurisdiction, no doubt, it is open to the Tribunal to substitute one punishment by another, but as held in number of cases for this the Tribunal has got a limited jurisdiction in this regard. The Hon'ble Apex Court repeatedly has laid down for this that such interference at the hands of the Tribunal should be interalia on arriving at a finding that no reasonable person could inflict such punishment in the facts of a particular case. The Tribunal may further more exercise its jurisdiction when relevant facts are not taken into consideration by the management

which would have a direct bearing on the question of quantum of punishment otherwise not. Looking at the facts of the present case and the charges so framed against the workman in this connection it is evident that the workman concerned was charged for having committed misappropriation of the various goods belonging to the Corporation and also to have committed fraud, forgery etc. In maintaining the records for which he was so entrusted by the Corporation. The evidence against the concerned workman Shri S. S. Saha was that on the relevant dates 14-11-1990 and 1-12-1990 he was the Godown Clerk of the oil godown. It also goes to show that 20 barrels of oil were unauthorizedly delivered on the aforesaid dates and the transaction was made through gate pass. The witness T. K. Dutta, PW-11 had stated that the word empty was written on these gate passes after taking back the same from the jute mills authorities. This fact was proved otherwise by the statement given by PW-10 during the enquiry wherein he had confirmed that he did not replace 30 barrels in the morning of 1st December, 1990. It was also stated by him that he never used the Truck No. WB 4207 for transaction. He was an unofficial witness. It was also found that the delivery of 30 barrels of oil before office hours was attended by the concerned workman who also had put his signature on the gate passes and the other documents that had been produced during the enquiry. Shri Saha had given his statement and he stated that he did not recognize the person who came along with the truck to supply 30 barrels in the morning of 1st December, 1990. The Chowkidar on duty was also instructed by the concerned workman to remain in the office so as to conceal the unauthorized delivery of 30 barrels of oil in the morning of 1st December, 1990 when Shri Das himself was the Godown Clerk of the oil godown at that time. It was also found that the concerned workman had colluded with other employees and they had all misappropriated 50 barrels of STC oil during that period. The persons named by the concerned workman in this connection to rebut the claim of the Corporation had not been so examined so as to prove the aforesaid positive facts to be otherwise. This factual position about commission of theft and misappropriation of the goods as found by the Enquiry Officer by considering the statements given by the number of witnesses confirm the act of involvement of the concerned workman and particularly his presence during the relevant period before the office hours when the alleged act had so taken place. No doubt, the FIR had also been lodged in this connection, but it is immaterial whether the charges were so proved or not during criminal proceedings as the departmental proceedings can very well independently be undertaken and even if the criminal case is not proved or the workman is not held guilty for want of material evidence, still he can be charged for taking action in the departmental proceedings and in case this collusion or misappropriation are so found on the basis of the oral and documentary evidence so collected during enquiry, he can be charged and action can be taken

against him. During the enquiry it was found and proved on the basis of the documents that proper entries were not made in the godown opening and closing register by the concerned workman who was entrusted with the job of Godown Clerk at that time. This mistake was also admitted by the concerned workman in his statement which was marked as P-33 in the enquiry. Besides that cuttings and over writings in the documents P-8, P-10, P-26, P-9 and P-2 were also found to be there which was not so controverted by the concerned workman to prove it otherwise in this connection. There has been a positive finding recorded by the Enquiry Officer that the workman failed to maintain the aforesaid relevant records properly and therefore the charges were found to be so established against him in all respect. It was also found that one gate pass book was used only for unauthorized transaction for a period of more than three months, although on such occasion another gate pass book was also in existence for authorized transaction meaning thereby two gate pass books were so maintained in the warehouse by the concerned workman with ulterior motive for committing theft and misappropriation for which he had been so charged and the findings recorded by the Enquiry Officer about the aforesaid factual aspect of the commission of misappropriation and theft is based on both oral and documentary evidence which was so recorded during the departmental proceedings. The disciplinary authority had also considered the aforesaid facts and evidence led by the management and the findings recorded by the Enquiry Officer and found that the concerned workman had failed to maintain the basic integrity and devotion to duty and thereby contravened the Regulation 39(i) read with Regulation 40(i), (v) and (ix) of the Central Warehousing Corporation (Staff) Regulations, 1986 in this regard. The charges so framed against him were found to be so proved and in view of that the penalty of removal from service was so imposed on the concerned workman.

11. Considering the aforesaid fact and conduct of the workman it is evident that it is a case of theft, fraud and dishonesty on the part of the workman for which he had been so charged. In industrial law the acts of theft, fraud and dishonesty apart from being exposed to the penal liability under the criminal law have also been treated as acts of misconduct justifying dismissal as it was so held by the Hon'ble Apex Court in 1965 II LLJ 53 (J. K. Cotton and Spinning & Weaving Mills Co. Ltd vs. Its Workmen). Criminal law makes special provision for dealing with such offence. The aforesaid act committed towards strangers may not make a workman guilty of industrial misconduct, but in a case where such an act is committed by a workman against his employer or his co-employees, the employer may have the justification of treating it as an act of misconduct and discharge or dismiss him from service for loss of confidence. The offence of theft committed by an employee shows that he is dishonest and suitability

and reliability to continue him in service may be affected by that reason and will have a bearing on the contract of service as it has been so laid down in *New Victoria Mills Co. Ltd. v. Labour Court*, 1970 Lab. L.C. 428 (Allahabad). One of the basic requirements what an employer would expect to be satisfied from its employee is loyalty towards him, i.e., the employee is expected to promote the employer's interest in connection with which he has been employed and necessary implication will be that the workman undertook to serve his master with good faith.

12. In view of the aforesaid facts and the act done by the concerned workman for which he has been so charged and found guilty, the order passed about terminating his services cannot be said to be illegal or morally unjustified

so that the same could require any interference by this Tribunal which has also got quite a limited jurisdiction and power to make such interference under Section 11A of the Act as the legal position about it is now well-settled as referred to above for the same in this connection.

13. In view of the above, the action of the management of Central Warehousing Corporation, Kolkata in terminating the services of Shri S. S. Saha with effect from 23-5-1995 is held to be justified. The workman, accordingly, is not entitled to any relief.

This is my Award.

Dated Kolkata,
16th February, 2009

C. P. MISHRA, Presiding Officer